

THE
Parish Officer's
COMPLETE
GUIDE.

CONTAINING THE DUTY OF THE
CHURCHWARDEN,
OVERSEER,
CONSTABLE,
AND
SURVEYOR of the HIGHWAYS,

AS SETTLED BY THE
ACT OF PARLIAMENT PASSED LAST SESSIONS.

THE WHOLE LAID DOWN IN AN
EASY, CONCISE, AND FAMILIAR MANNER;

AND CLEARED FROM THE
Technical Terms of the Law,

AS WELL AS THE
INACCURACIES OF FORMER PUBLICATIONS
OF THE LIKE KIND.

The FOURTH EDITION, with considerable
ADDITIONS and IMPROVEMENTS.

By JOHN PAUL, Esq. BARRISTER at Law.

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THE
Parish Officer's Complete Guide,

CHURCHWARDENS.

The Nature of the Office by the Common and Canon Law.

CHURCHWARDENS (antiently stiled *Church Reeve*, or *ecclesiarum guardini*, i. e. Guardians of the Church) are officers yearly chosen by the consent of the Ministers and Parishioners of their several parishes, according to the custom and usage of the several places where they reside, to look to the Church, Church-yard, and other things as appertain or belong to both; and to inspect into the behaviour of their Parishioners, in order to present such faults as are liable to the jurisdiction or censure of the Ecclesiastical Court. In the City of London, by special custom, the Churchwardens with the Minister form a Corporation; and as such may hold, purchase, and take lands for the use of the Church, &c. By another custom of the same city the Parishioners of the respective Parishes therein have a right to chuse both Churchwardens without the aid or interference of the Minister of the Parish; but in that case it is held that the Minister of the Parish is excused from repairing the Chancel of the Church. *1 Inst. 3. 1 Roll. Abr. 339.*

In every parish throughout England, except in the City of London, the Churchwardens are a kind of Corporation, enabled by law to sue or be sued for any thing belonging to their Church; and may purchase goods, but not lands, for the use thereof.

How they are chosen.

By the Common Law, the right of choosing Churchwardens is clearly vested in the Parishioners; nor does any Canon deprive them of this right: for tho' by custom

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in some places the parishioners choose one, and the Parson another, yet it is but a custom, the validity of which may be appealed from, and tried in the King's Temporal Courts. *Geo. Car. 552. Raym. 439.*

Who are exempt from serving this Office.

All Peers of the realm, by reason of their dignity; Clergymen, by reason of their order; Members of Parliament, by reason of their privilege; Attornies of the King's Courts, by reason of their necessary attendance thereon; Apothecaries who have served 7 years, by *Stat. 6 Wm. III.* Freemen of the Corporation of Surgeons of London, by *Stat. 18 Geo. II.*

Dissenting Teachers, or Preachers in Holy Orders, duly qualified, and Dissenters scrupling to take on them the office, may execute the same by a sufficient Deputy, to be approved in like manner as other Churchwardens. *Stat. 1. W. Cap. 18.*

All persons who have prosecuted a felon to conviction, and have obtained a certificate thereof, are exempt from the office of Churchwardens in the parish where such offence was committed, but no further. *Stat. 10 and 11 W. III.*

Their redress, if illegally chosen.

Attornies of the several Courts of Law, by writ of *Privilege*; all others by *Mandamus* out of the Court of King's Bench.

Things belonging to the Church in which the Churchwarden hath a property by virtue of his Office.

The Organ, Bells, Parish-books, Bible, Chalice, Surplice, &c. If any one takes any of these away feloniously, or otherwise, or does any damage thereto, the Churchwardens may bring an action at law for the same, an appeal for a robbery, or may sue the offender in the Spiritual Court *pro salute animæ*; but in this suit he cannot recover damages.

Things belonging to the Church in which a Churchwarden hath no Right.

They have no right to, or interest in, the freehold and inheritance of the Church, which alone belongs to the Parson or Incumbent. *Comp. Incumb. 38.*

The



The seats in the Church which are fixed to the freehold, the Churchwardens cannot dispose of alone; nor can they and the Rector together, without the consent of the Ordinary. *1 Salk. 167.*

Seats erected by the Parishioners for attending divine service, and by them kept in repair; if those are taken away or destroyed, tho' fixed to the freehold, the Churchwardens, and not the Parson, must bring the action against the aggressor. *Gold. 279.*

At Common Law, a Churchwarden may maintain an action on the case for defacing a monument in the church. They, nor any other parochial officer, cannot take down Arms in the windows of the church, or deface grave-stones or monuments erected in the same or the church-yard: If they do, an action lies against them by the heirs or executors of the parties for whom they were erected. *Golb. 279. 1 Roll. Abr. 625.*

His Power in making Rates, Presentments, &c.

The Churchwardens cannot make any rates themselves, exclusive of the Parishioners; their duty of office being only to summon the Parishioners, who are to meet for that purpose in the Vestry of the Church; and when assembled, a rate made by the Majority present will bind the whole Parish, altho' the Churchwardens, at such meeting, voted against the rate. *Comp. Incumb. 389.*

If the Churchwardens give the Parishioners due notice that they intend to meet to make a rate, and the Parishioners refuse or neglect to come; or, being met, refuse to make any rate; the Churchwardens may make a rate without their concurrence, as they are liable to be punished in the Ecclesiastical Courts for not repairing the Church. *1 Mod. 79, 194.*

The Churchwardens, in summoning a Vestry, need not do it from house to house; a general public summons at the Church is sufficient: and the major part of the Parish that appear thereon will bind the whole. *Comp. Incumb. 389.*

All presentments made by the Churchwardens, relate to the Church, the Parson, and Parishioners; in which they are to be directed by the Articles delivered them by the

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Ordinary; which Articles must be agreeable to the Laws of the Church, and particularly to the *Canons* made in 1603.

The Churchwardens need not take a fresh oath upon each presentment they make: They may do it by virtue of their oath of Churchwardens. *Cro. Car. 291. 2 Vent.*

42.

Their Oath of Office is general, viz.

To do all things which appertain to their office; and therefore, if the oath tendered requires them to present matter not presentable by Law, they are not obliged to take it; nor are they to be required to present or accuse themselves. *Hard.*

364.

Points of Law determined on the Duty, &c. of a Churchwarden.

If the Ecclesiastical Court prosecutes the Churchwardens for matters not within their jurisdiction, the Churchwardens may have their action on the case against them for the same. *Hard. 264.*

If Churchwardens maliciously present an innocent person for any crime, so as he sustains expence, or is injured in his good name, fame, or reputation, an action on the case lies against them for the same. *Cro. Car. 285. 1 Vent. 36.*

In an Action of *Assault and Battery* against a Churchwarden, if he justifies that the Plaintiff was at church in time of prayers with his hat on, and that he demanded of him to take the same off, and, on his refusal to do it, the Churchwarden took his hat off, and laid it by him; the Court held this a good justification; and that Churchwardens may justify to wake a man who is asleep, to waken boys that are at play, and turn an excommunicated person out of the church. *1 Lev. 196.*

Churchwardens, by virtue of their office, may restrain and hinder any stranger, not duly qualified, from preaching in the Church or Chapel whereof they are Churchwardens. *2 Bul. 49.*

Every Churchwarden is in nature of his office an *Overseer of the Poor.* *Stat. 43d Eliz.*

The

The Churchwardens or the Constables are the persons whose duty it is to levy the penalty for keeping an unlicensed *Alehouse*, by 3 C. 1. 3.

They are to receive the penalties for hawking *Spirituous Liquors*. Stat. 9th Geo. II.

They (or the *Overseers of the Poor*) are to levy the penalty for selling *Corn* by false measure. Stat. 22d Car. II.

They, together with the *Overseers of the Poor*, are empowered to distribute among the Poor of their Parish all foreign cattle imported, forfeited, and killed. Stat. 32d Car. II.

They, or the *Overseers of the Poor*, are to levy the penalties relating to *Weights and Measures*. Stat. 16th and 22 Car. II.

They are to carry *Hawkers* and *Pedlars* trading without licence before a Magistrate. Stat. 9th and 10th W. III.

They (or the *Overseers of the Poor*) are to pay to the High Constable the general *County rate* out of such money as they have collected for the Poor. Stat. 12th Geo. II.

They are to receive the penalties for *tracking Hares in the snow*, and such other Game Penalties as are by the several Game Acts directed to be paid.

They are to assist annually with the Constables and Surveyors of the Highways, in choosing and returning new Surveyors. Stat. 3d Wm. and Mary. Vide Stat. 7th Geo. III.

They are required to carry *Hawkers* of Brandy, &c. before Justices of the Peace. Stat. 11th Geo. II.

If the Churchwardens, by the consent and agreement of the Parishioners, take down a ruinous bell, and deliver the same to a Bell-founder, and he by such agreement is to have *qd.* for the casting thereof, and retain the same till the *qd.* is paid; this agreement of the Parishioners excuses the Churchwardens in a writ of account brought against them by their successors. 1 Roll. Abr. 121. pl. 9.

If the Churchwardens and Parishioners make an assessment, and the Churchwardens lay out the whole money, but before the same is collected their time expires, and new Churchwardens chosen; yet if the old Churchwardens have presented such Parishioners as having refused

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to pay such Assessment before the Determination of their time, they may still proceed against them; otherwise the new Churchwardens must collect such arrears, and reimburse their predecessors. 2 *Vent.* 262.

If goods belonging to the Church are taken away, and the Churchwardens for the time being neglect to bring an action, the succeeding Churchwardens may by virtue of their office bring an action against the aggressor; but in such action they must declare to the damage of the Parishioners, and not of themselves; tho' the old Churchwardens, in whose time the fact was done, may lay it either way. *Cro. Eliz.* 179.

If any of the goods of the Church are detained, or not delivered by the old Churchwardens, their successors have an action against them for the same. *Gibb.* 216.

If Churchwardens, as being a Corporation for the goods of the Parish, commence suits with the consent and by the order of the parish; yet if they miscarry therein, they shall be reimbursed by the Parish. 4 *Vin.*

In an Action on the Case against a Churchwarden for a false and malicious *presentment*, tho' Judgment should be for him, he shall not have double Costs, because the Statute does not extend to Spiritual Affairs. *Cro. Car.* 286.

All suits, instituted by the Churchwardens for the use of the Parish, must be in their joint names, as the corporation consists of both; nor can one only release or give away the goods of the Church. 1 *Roll. Abr.* 393.

Their Duty as to the Parish, or Vagrant Poor.

The Churchwardens, before Stat. 43d of Elizabeth, were the sole Overseers of the Poor; and are now under that, and the sundry Statutes made since relating thereto, jointly impowered with the Overseers to superintend the same; but that branch of parochial duty is now generally executed by the Overseers, except in making Poor's Rates, in which they jointly assist. *Vide head of Overseer.*

Their

Their Duty in electing Surveyors of the Highways.

On the 22d of September in every year (unless that day be Sunday, and then on the 23d) the Constables, Headboroughs, Tithingmen, Churchwardens, Surveyors of the Highways, and Housholders, assessed to any Parochial or Public Rate, shall assemble at the Church or Chapel, or if no such Church or Chapel, then at the usual Place of Public Meetings in every Parish, Township, or Place, at eleven in the forenoon; and the major part of them shall have a list of Ten Persons at the least living within such Parish, Township, or Place, who have each of them an Estate, in Lands, Tenements, or Hereditaments, of 10*l.* *per annum*, or personal Estate of the value of 100*l.* or who occupy Houses, Lands, Tenements, or Hereditaments, of 40*l.* *per annum*; and if there shall not be Ten Persons so qualified, they shall insert the names of so many as are qualified; and the deficiency shall be supplied from the most sufficient Inhabitants resident there; for the purpose of serving the Office of Surveyor of the Highways. *Stat. 13 Geo. 3. c. 78.*

The several penalties directed by the Statutes for amending the Highways are to be levied and made by the Constable and Churchwardens of the Parish, and to be paid into the hands of the Churchwardens, for the use of the Poor of the Parish, according to the directions of the said Acts. *Vide Surveyors of the Highways.*

Manner of passing their Accounts, &c.

All Churchwardens, at the end of their year, or within a month after at most, shall, before the Minister and Parishioners in Vestry, give up a just account of all such monies as they have received; and also an account of what they have bestowed in reparations or otherwise for the use of the Church; and, on their finally quitting their office, they shall duly and truly deliver up to the Parishioners whatever monies or other things of right belonging to the Church or Parish which remained in their hands, that they may be delivered over by them to the next Churchwardens by bill indented. *Canon 89.*

If the custom of the Parish is for a certain number of persons to have the government thereof, the account delivered by the Churchwardens to such persons is a good

delivery of the said account, according to such custom. *Gibf.* 216.

Lindwood, a writer on the Ecclesiastical Law, speaking of the inventory of the goods of the Church to be delivered in writing to the Archdeacon, says, it were good that these writings should be indented so that one part might remain with the Archdeacon, and the other with the Parishioners. *Gibf.* 216.

Monies disbursed by the Churchwardens for repairing the Church, or any thing else merely *Ecclesiastical*, the Spiritual Court shall allow in the accounts of such Churchwardens; but if there be any other articles that were done by agreement between the Parishioners and them, the succeeding Churchwardens may have an Action of *Account* at law for the same, and the Spiritual Court in such case hath no jurisdiction. 12 *Mod.* 9.

If *A.* was churchwarden of *R.* and at the end of the year gave up his accounts to his successor, and yet *A.* is falsely and maliciously cited by *E.* into the Ecclesiastical Court to render an account, and at the request of *E.* he is excommunicated for not rendering up his account, an Action lies against *E.*

When Churchwardens have passed their accounts at a Vestry, the Spiritual Court cannot afterwards proceed against them to account upon oath. *Bunb.* 289.

A Churchwarden who hath laid out the Parish-money imprudently, yet if it be truly and really laid out, he must be reimbursed, and the Parishioners can have no remedy, unless some fraud be proved against him; because the Parish have in their appointment of him made him their trustee. If he goes on in an expensive way, they may complain to the *Ordinary*, in order to give him a check, or to procure his removal from his office. *Gibf.* 196.

A Churchwarden may be committed by two Justices for not delivering up his accounts of his trust. *East*, 1st *Geo.* *Rex v. Gibson.*

On all actions brought in the Courts at Westminster, or at the assizes, for monies mispent by the Churchwardens, the Parishioners evidence (other than such as receive alms therefrom) will be taken.

Churchwardens are comprehended within the *Purview* of the 7th *Jac.* I. and 21st *Jac.* I. as to the pleading the *General Issue* to Actions brought against them, and double costs when they obtain judgment, Their

Their DUTY with respect to BRIEFS.

Briefs are to be indorsed as soon as received.

THE Statute 4th Ann. c. 14. enacts, that when Copies of Briefs are delivered, to the Wardens of Churches and Chapels, &c. immediately after receipt they are to indorse the Time of receiving, with their Names thereon, and forthwith deliver them over to the Ministers and Curates, who shall likewise indorse the Time of their Receipt, and their Names, in like manner as the Churchwardens.

Are to be read, and the Money collected by the Churchwardens.

The Ministers, Curates and Preachers, on some Sunday, in two Months after receipt thereof, are immediately before preaching openly to read such Briefs in their respective places of meeting; and the Churchwardens shall collect the Money that shall be given there, or go from House to House, &c.

The Sums received are to be indorsed on the Brief.

The Sums collected, Place and Time, are to be indorsed in Words at length, and signed by the Minister, Curate and Churchwardens, and by the Preacher, and two substantial Persons of separate Congregations; and the Briefs indorsed, and Money collected shall be delivered to the Persons undertaking the Brief, under the penalty of 20*l.* the Undertaker not demanding the Briefs and Money in six months, is liable to the same penalty.

And the Briefs are to be returned.

If the whole number of Briefs be not returned, the Undertaker for every Copy wanting shall forfeit 50*l.* unless he makes sufficient proof in Chancery, of the Briefs being lost by inevitable accidents, and of the Money collected thereon.

A Register to be kept of all Monies received.

Of all Monies collected, inserting the Occasion of the Brief, and the Time when collected; to which all Persons may have a free resort,

How

How the Money is to be accounted for.

The Undertakers, in two Months after the Receipts of the Money, and Notice to the Sufferers, are to account before a Master in Chancery, to be appointed before the Lord Chancellor.

Briefs not to be farmed.

All farming and purchasing such Charity Money, is declared unlawful; and Debts of Covenant and Agreement concerning the same shall be void: And any Person agreeing to purchase the benefit of such Brief, shall forfeit 500*l.* for the benefit of the Sufferers.

Of parochial LIBRARIES.

Libraries to be preserved.

By Statute 7th of Ann. c. 14. 'tis enacted, that Libraries erected in parishes shall be preserved for the Uses directed by the Founders.

Catalogue taken of Books.

And where a parochial Library is appropriated to the Use of the Incumbent, he must, within six Months after his Induction, make a Catalogue of all Books in the Library, and sign the same, acknowledging the possession of such Books, which Catalogue is to be delivered to the Ordinary.

The Books are to be locked up, and not alienable.

And, on the Death of the Incumbent, the Library shall be locked up by the Churchwardens, or a Person appointed by the proper Ordinary; none of the Books shall be alienable, without the consent of the Ordinary, and then only, when there is a Duplicate of such Books.

If taken away, the Remedy.

And if any Book shall be taken away or detained, a Justice of Peace may grant his Warrant to search for the same, and order it to be restored.

Also an Action of *Trover* may be brought in the Name of the Ordinary, in which treble Damages and full Costs shall be recovered.

DUTY

DUTY OF PARISH OFFICERS, &c.

The Duty of Churchwardens and Overseers of the Poor, with respect to Bastard Children born in public Hospitals.

Bastard Children born in Lying-inn Hospitals, how settled.

NO Bastard Child or Children, born in any Lying-inn Hospital, House, or Place, shall be legally settled in, or intitled to, any Relief as a Parishioner, from the Parish wherein such Hospital, House, or Place, shall be situated; but every such Child or Children shall follow the Mother's Settlement, and shall immediately gain a Settlement in the Parish or Parishes respectively, where his, her, or their Mother or Mothers were last legally settled. *Stat. 13 Geo. 3. cap. 82.*

The Churchwardens of the Mother's Parish are to pay all Expences on the Removal of the Mother or Child.

In case it shall become necessary to remove the Mother of the Child so born a Bastard, and the Child so born a Bastard, or either of them, from the Parish or Place in which such Hospital, House or Place shall be situated, to the Parish or Place to which such Woman shall belong, or where she shall have obtained her last legal Settlement, such Parish or Place, being within twenty Miles of such Hospital, House, or Place, to which she shall be so removed, shall be chargeable with and liable to the Payment of all Charges and Expences incident to or attending such Removals; such Charges and Expences to be allowed and settled by any Justice or Justices of the Peace, (who is and are hereby required to allow and settle the same) in and for the County, Riding, Division, City, Corporation or Place, in which the Parish or Place shall be situated, to which such Mother and Child, or either of them, shall be removed as aforesaid: And if such Charges and Expences, after being allowed and settled, and a Demand thereof made in Writing, directed to the Churchwardens or Overseers of the

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the Poor of the Parish to which such Mother and Child, or either of them, shall be removed, as aforesaid, shall not be paid within Two Days after such Demand; then it shall be lawful for any One or more of His Majesty's Justices of the Peace, in and for the County, Riding, Division, City, Corporation, or Place, in which the Parish shall be situated, to which such Mother and Child, or either of them, shall be removed, and he or they is and are hereby required, by warrant under his or their Hand and Seal, or Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of the Churchwardens or Overseers of the Poor making such refusal, or on the Goods and Chattels of either of them. *Same Stat.*

Persons aggrieved may appeal to the Quarter Sessions.

If any Person or Persons shall think himself or themselves aggrieved by such Removal or Distress had or made in pursuance of this Act, every such Person may appeal to the Quarter Session of the Peace to be holden for the County, Riding, Division, City, Corporation, or Place, wherein he shall have suffered such Grievance, within four Months after the Fact done, by which he shall think himself so aggrieved, such Appellant first giving Fourteen Days Notice at the least, in Writing, of his Intention, and of the Matter thereof to the Party or Parties against whom such Appeal is intended to be brought, and within Two Days next after such Notice given entering into Recognizance, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; whose Determination shall be final, binding, and conclusive, to both Parties. *Same Stat.*

Parish Officers impowered to apprehend the Father of any Bastard Child born in Lying-in Hospitals, &c.

All Officers belonging to the Parish wherein the Mother of such Child so born a Bastard shall have been last legally

legally settled, and all Magistrates of the County, Riding, Division, City, Corporation, or Place, wherein such Parish shall be situated, shall have Power and Authority to apprehend the reputed Father of any such Bastard Child, to take Security for the Indemnity of the Parish, and to punish the Parents, and to do every other Matter or Thing relative to such Case of Bastardy, in the same Manner, and with the same Powers, as such Magistrates or Officers might or would have had in case such Child had been born in such Parish or Place. *Same Stat.*

The Owner of the Hospital, &c. is to give Notice to the Overseers four Days previous to the Discharge of any Woman delivered of a Bastard Child.

If any Woman shall be delivered of a Bastard Child in such Hospital, House, or Place, such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person as aforesaid, shall, Four Days at the least before any such Woman shall be discharged, give, or cause to be given, a personal Notice, or Notice in Writing, of such Delivery, to be left at the usual Place of Abode of the Overseer or Overseers, Churchwarden or Churchwardens, of such Parish or Place, wherein such Hospital, or House shall be situated. *Same Stat.*

Parish Officers on such Notice given are to attend within that Time.

And such Overseer or Overseers, Churchwarden or Churchwardens, or some or One of them, is and are hereby required, after such Notice given, to attend at such Hospital or Place, within the Time so notified as aforesaid, and shall convey every such Woman before some Justice of the Peace of the County, Riding, Division, City, Corporation, or Place, where such Birth or Births shall happen; who shall examine every such Woman upon Oath relative to her last legal Settlement, and shall certify, in Writing, to such Overseer or Churchwarden

warden the whole of such Examination, who shall cause the same to be deposited and kept among the Books and Papers belonging to such Parish or Place. *Same Stat.*

If the Woman is not sufficiently recovered, Parish Officers are to wait till further Notice.

If at any Time such Overseer or Churchwarden shall, upon such Attendance, be informed by such Owner, Keeper, Governor, Master, Secretary, Clerk or other Person, that any such Woman is not sufficiently recovered to be taken out and carried before such Justice, such Overseer or Churchwarden shall wait till a further Notice shall, in like Manner, be given; and such Notice, from Time to Time, shall be repeated as Occasion may require; and every such Overseer and Churchwarden who shall receive the same, is hereby required to pay due Attention thereto. *Same Stat.*

Penalties for disobeying this Statute.

The Owners of Lying-inn Hospitals for every Neglect or Refusal to comply with the Directions of this Act, are to forfeit 50*l.* for each Offence.

Parish Officers for every Neglect or Refusal to comply with the Directions of this Act are to forfeit 10*l.* for each Offence.

These Penalties to be sued for in any of the Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed with Costs; one Moiety of the Penalty to be paid to the Poor of the Parish where the Offence was committed, and the other Moiety to the Person suing for the same. *Same Stat.*

Provisionary Clause.

Nothing contained in this Act shall alter the Law as it now stands relative to the Settlement of any Bastard Child, so born as aforesaid, in cases where the Mother's Settlement cannot be ascertained. *Same Stat.*

OVER.

OVERSEERS OF THE POOR.

How appointed; and Duty.

THEY are public Officers created by Stat. 43^d Eliz. to provide for the Poor of every Parish. Their number is according to the largeness of the Parish; some having two, three, or four *Overseers*, whose duty is, jointly with the Churchwardens, to make Rates for the support of the Poor. They are appointed yearly, in Easter-week, or within one Month after, under the hand and seal of two or more Justices of the same County, one to be of the *Quorum*, dwelling in or near the same Parish, or Division where the same Parish doth lie; and they, or the greater part of them, shall take order from time to time, with the consent of two or more Justices of the Peace, for setting to work the children of such whose parents shall be deemed by the Churchwardens and Overseers not able to keep and maintain their children; and also for setting to work all married or unmarried persons having no means to maintain themselves. They are to raise weekly, or otherwise, (by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, impropriations of tithes, coal-mines, or saleable underwoods, in the said Parish, in such competent sums of money as they shall think fit) a convenient stock of flax, hemp, wool, thread, iron, and other wares and stuff to set the poor on work; and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such among them being poor, and not able to work; and also for the putting out of such children to be apprentices, to be gathered out of the same Parish, according to the ability of the same Parish; and to do and execute all other things for the well disposing of the said stock, or otherwise, as to them shall seem convenient. Stat. 43^d Eliz.

BOOK When to meet, &c. OVERSEERS

They are to meet together, at least once every month, in the Church of the Parish where they are Overseers, on Sunday in the afternoon, after divine service, there to consider of proper steps to be taken for the benefit of the said Parish. They are within four days after the end of their year (when others are nominated as aforesaid) to make and yield up to two Justices of the Peace a true and perfect account of all sums of money by them received, or rated and sessed and not received, and also of such stock as shall be in their hands, or in the hands of any poor to work, and of all other things concerning the said office; and such monies as shall be in their hands they are to pay and to deliver over to the new Overseers, on pain that every one of them absenting themselves without lawful cause from such monthly meeting for the purposes aforesaid, and neglecting their duty and orders of office so made by the said Justices as aforesaid, to forfeit for every default, absence, or neglect, 20 s. *Same Stat.*

How are they to act where the Parish is not capable of relieving its own Poor.

If the Justices of the Peace do perceive that the inhabitants of any Parish are not able to levy among themselves sufficient sums of money for the purposes of maintaining their own poor, then two Justices are and may tax, rate, and assess as aforesaid, any other of other Parishes, or out of any Parish within the Hundred where the said Parish is, to pay such sum and sums of money to the Churchwardens and Overseers of the said Parish for the purposes as the said Justices shall think fit; and if the Hundred shall not be thought by the said Justices able to relieve the said Parish or Parishes, then the Justices of the Peace at the General Quarter Sessions, or the greater number of them, shall rate and assess as aforesaid any other of the other Parishes, or out of any Parish within the said County, for the purposes aforesaid, as to them in their discretion shall seem fit. *Same Stat.*

How

How the same is to be levied, &c.

The present or subsequent *Churchwardens* and *Overseers*, or any of them, by warrant from any two Justices of the Peace as aforesaid, are to levy as well the said sums of money, and all arrears of every one that shall refuse to contribute as they are assessed, by distress and sale of the offender's goods, as the sums of money, or stock which shall be behind upon any account to be made as aforesaid, rendering to the party the overplus; and if no distress can be found, it shall be lawful for any two such Justices to commit the party or parties to the common gaol of the County, there to remain without *bail* or *mainprize* until payment of the said sum, arrearages, and stock; and the said Justices, or any one of them, to send to the house of correction, or common gaol, such as shall not employ themselves to work, being appointed thereto as aforesaid. *Same Stat.*

As to Binding Children Apprentices.

The *Churchwardens* and *Overseers*, or the greater part of them, with the assistance of two Justices of the Peace, are impowered to bind any such children as aforesaid to be apprentices, where they may see convenient; if a man-child, till he comes to the age of 24; if a woman child, to the age of 21, or at the time of marriage; and such binding to be as effectual, to all intents and purposes, as if such children were of full age, and the same was by indenture of covenant from him, her, or them, *Same Stat.*

As to providing Habitations for impotent Poor of the Parish.

The *Churchwardens* and *Overseers*, or the greater part of them, by leave from the Lord or Lords of the Manor, where there is any waste or common within their parish; and on agreement with him or them made in writing, under their hands and seals, or otherwise, according to any order to be set down by the Justices of the Peace of the said County, at their General Quarter Sessions, or the greater part of them, by like leave and agreement as aforesaid, to erect, build, and set up, in fit and convenient places of habitation in such waste or common, at

the general charges of the Parish, or otherwise, of the Hundred or County as aforesaid, to be taxed, rated, and gathered in manner aforesaid, convenient houses of dwelling for the said impotent poor; and also to place inmates, or more families than one, in one cottage or house, notwithstanding *Stat. 31st Eliz.* which cottages and places for inmates shall not, at any time after, be used to or for any other habitation, but only for the poor of the said Parish that shall be there placed, from time to time, by the Churchwardens and Overseers of the Poor of such Parish, upon the pains and forfeitures contained in the *31st Eliz. Same Stat.*

Persons over-rated how to be redressed.

If any persons shall find themselves aggrieved with any cess or tax, or other act done by the Churchwardens and Overseers, or by the Justices of the Peace; that then, upon application to the Justices of the Peace at their Quarter Sessions, it shall be lawful for them to take such order therein as to them shall be thought convenient, and the order so made by them thereon to be binding to all the parties. *Same Stat.*

Poor who have Relations, how to be relieved.

The Father and Grandfather, and the Mother and Grand-mother, and the children of every poor, old, blind, lame, and impotent person, or other person not able to work, being of sufficient ability, are at their own charge to relieve and maintain every such poor person in such manner according as they are rated, as by the Justices of the County where they dwell, or the greater number of them at their General Quarter Sessions, they shall be assessed, on pain that every one of them shall forfeit 20 s. for every month which they shall neglect so to do. *Same Stat.*

Officers of Corporate Towns, their Authority under 43^d of Elizabeth.

Mayors, Bailiffs, or other Head-Officers of every Town Corporate and City within the realm, being Justices of the Peace, have the same authority by this act within their

their jurisdiction, as well out as in their Sessions, if they hold any, as are herein before given to Justices of the County, to do and execute all the purposes of the said Act; and no other Justice is to intermeddle therewith. Aldermen of the City of London, within their ward, have the same power and authority, by virtue of this act. *Same Stat.*

When the Parish extends into two Counties or two Liberties.

If it happens that any Parish extends itself into more Counties than one, or if part lie within the liberty of any City, and part without, that then the Justices of the County, and the Head Officers of such City, shall intermeddle only in so much of the said Parish as lieth within their liberties, and no further, to execute the ordinances before-mentioned concerning the nomination of Overseers, the consent to bind apprentices, the giving warrants to levy taxes unpaid, the taking account of Churchwardens and Overseers, and the committing to prison of such as refuse to account, or deny to pay the arrearages due on their accounts; yet the Churchwardens and Overseers of the said Parishes, that do extend into such jurisdictions, shall, without dividing themselves, duly execute their office in all places within the said Parish, and shall duly exhibit and make an account before the Head-Officer of the Town Corporate, and one other before the Justices, as aforesaid. *Same Stat.*

Justices, the Penalties they incur for not naming Overseers.

If in any place within the realm of England no Overseers are nominated yearly, as before directed; then every Justice of the Peace of the County dwelling within the division where such default hath happened, and every Mayor, Alderman, and Head Officer of the City where such default is made, shall lose and forfeit for every such default 5*l.* to be employed towards the Poor of the Parish or Town Corporate where such default was made, to be levied of their goods by warrant from the General Sessions of such County or City. *Same Stat.*

The Application of the Forfeitures in this Statute, &c.

All Penalties in this Act, to be forfeited by any person or persons, shall go and be employed to the use of the Poor of the same Parish, towards a stock and habitation for them, and for other necessary uses and relief; and shall be levied by the *Churchwardens and Overseers*, or one of them, by warrant from the Justices, or Mayor, Alderman, or other Head-Officer, by distress and sale thereof, as aforesaid; or in default, it shall be lawful for any two Justices, the Mayor, Aldermen, and other Head-Officers within their limits, to commit the offender to the said prison, there to remain without *bail or mainprize* till the same shall be paid. *Same Stat.*

How Plaintiffs and Defendants are to conduct themselves on Actions brought or defended, for levying the Penalties incurred under this Statute.

If any Action of Trespass, or other suit, shall be brought against any person or persons for making any distress, sale, or other thing by virtue of this Act, the Defendants in such suit may either plead *not guilty*, or otherwise may make *avowry, cognizance, or justification* for the taking of such distress, sale, or other thing; *alleging* in the same, that the said distress, sale, trespass, or other thing whereof the Plaintiffs complain, was done by the authority of this Act: To which *avowry, cognizance, or justification*, the Plaintiffs shall be admitted to reply, that the defendants did take the said distress, made the sale, or did any other act supposed in the declaration, of his own wrong, without any such cause alleged by the defendants; whereon issue is to be joined, and to be tried by verdict of twelve men, and not otherwise, as is usual in other personal actions; and, on trial of the issue, the whole matter may be given in evidence by both parties; and after issue tried, if verdict for Defendant, or Plaintiff nonsuited after appearance, the Defendant is to recover treble damages, with costs, to be assessed by the same Jury, or by Writ of Inquiry, as the same may require. *Same Stat.*

Nota. This Statute is continued indefinitely by 3d and 16th Car. I.

Persons

Persons who have Parish Children put out Apprentice to them, may set up Trades to maintain such Children.

All persons to whom the Overseers of the Poor shall bind any children Apprentices, may keep them; and the Churchwardens and Overseers may, with consent of two Justices, one to be of the Quorum, and where there is but one with the assent of such one, set up any trade only for the setting on work and relief of the Poor. Stat. 3. Car. I.

Vagrant Poor how restrained from making fresh Settlements:

The Churchwardens and Overseers are by this Act impowered, if any poor or impotent person cometh into the Parish, and taketh any teneiment under the yearly value of 10l. so as to make themselves a settlement in such Parish, to make complaint thereof to any two Justices of the Peace, one to be of the Quorum, within forty days after any such person or persons coming so to settle as aforesaid, for their warrant to remove and convey such person or persons to such Parish where he or they were last legally settled, either as a native householder, sojourner, apprentice, or servant, unless he or they give sufficient security for the discharge of the said Parish, to be allowed by the said Justices. Stat. 13th and 14th Car. II.

How Persons who think themselves aggrieved under the Statute may be redressed.

All persons who think themselves aggrieved by the judgment of the said two Justices, may appeal to the Justices of the Peace of the said County at their next General Quarter Sessions, who are required to do justice therein according to the merit of the cause. Same Stat.

Persons going to Harvest-work not within the meaning of the Statute.

It shall be lawful for any person or persons to go into any country, parish, or place, to work in time of harvest, or at any time to work at any other work, so that he or they carry with them a certificate from the Minister of the

Parish, and one of the *Churchwardens* and one of the *Overseers* for the Poor for the said year, that he or they have a dwelling-house or place in which he or they inhabit, and hath left his wife and children, or some of them there (or as their case may be), and is declared an inhabitant there; and in such case, if the person or persons shall not return to the place aforesaid, when his or their work is finished, or shall fall sick or impotent whilst he or they are in the said work, it shall not be accounted a settlement in the cases aforesaid, but that it shall be lawful for two Justices of the Peace to convey the said person or persons to the place of his or their habitation as aforesaid, under the Penalties in this Act prescribed: And if such person or persons shall refuse to go, or shall not remain in such parish where they ought to be settled as aforesaid, but shall return of his own accord to the parish from whence he was removed, it shall be lawful for any Justice of the Peace of the City, County, or Town Corporate where the offence shall be committed, to send such person or persons offending to the House of Correction, there to be punished as a vagabond; or at a public Work-house, there to be employed in work or labour. And if the Churchwardens and Overseers of the Parish to which he or they shall be removed, refuse to receive such person or persons, and provide work for them as other inhabitants of the parish, any Justice of the Peace of the division may bind any such Officer or Officers in whom there shall be default, to the Assizes or Sessions, there to be indicted for his or their contempt. *Same Stat.*

Whereas the inhabitants of the Counties of Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, the Bishoprick of Durham, Cumberland and Westmoreland, and many other counties in England and Wales, by reason of the largeness of the Parishes within the same, have not or cannot reap the benefit of the 43 of Eliz. for relief of the Poor: It is by this Statute *enacted*, that all and every the poor, needy, impotent, and lame person or persons within every township or village within the several counties aforesaid, shall, after the passing of this Act, be maintained, kept, provided for, and set on work within the several and respective Township and Village wherein he, she, or they

they shall inhabit, or wherein he, she, or they, was or were last lawfully settled, according to the true meaning of this Act; and that there shall be yearly chosen, according to the directions of the 43 *Eliz.* two or more *Overseers* of the Poor within every of the said townships or villages, who shall from time to time execute all and every the Powers necessary for the relief of the Poor within the said township or village, and shall forfeit the penalties for non-performance thereof, appointed by the said Act. *Same Stat.*

From what time the forty Days for making a Settlement shall be computed.

The forty days continuance of a poor person in a parish, intended by the 13th and 14th *Car.* to make a settlement, shall be accounted from the time of his delivering of notice in writing of the house of his abode, and number of his family, to one of the Churchwardens or Overseers of the Poor of the Parish to which they shall remove. *Stat. 1st Jac. II.*

The forty Days Settlement further explained.

The forty days continuance of a poor person intended by the Acts to make a settlement, shall be accounted from the publication of a notice in writing, which he shall deliver of the house of his abode, and the number of his family, to the Churchwardens or Overseers of the Poor; which notice the Churchwardens or Overseers are required to cause to be read publicly immediately after Divine Service, in the Church, on the next Lord's Day; and the Churchwarden or Overseer is to register such notice in the book kept for the Poor's account. *Stat. 3^d and 4th Will. and Mary.*

People in his Majesty's Service not intitled to any Settlement till discharged therefrom.

No Soldier, Seaman, Shipwright, or other Workman employed in his Majesty's service, shall have any settlement in any Parish, by delivery and publication of notice, unless

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the same be after the dismissal of such person out of his Majesty's service. *Same Stat.*

Penalties on Churchwardens and Overseers refusing to read the Register.

If any Churchwarden or Overseer shall neglect to read such notice (on proof thereof by two witnesses before any Justice of the Peace), he shall forfeit forty shillings to the party aggrieved, to be levied by distress and sale of goods, by warrant of any Justice of the Peace to the Constable where such offender dwells; and for want of distress, the Justice shall commit them to the common gaol for one month. And if any Churchwarden or Overseer shall neglect to register such notice, he shall forfeit forty shillings to the Poor of the Parish; and for want of distress, the Justice shall commit such offender as aforesaid. *Same Stat.*

What constitutes a Settlement in a Parish.

If any person who shall come to inhabit in any town or parish shall on his own account execute any public annual office in the town or parish during one year, or shall be charged with and pay his shares towards the public taxes of the town or parish, he shall be adjudged to have a legal settlement in the same. *Same Stat.*

If any married person, not having a child, shall be hired into any parish or town for one year, such service shall be adjudged a settlement. *Same Stat.*

If any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a settlement. *Same Stat.*

How Persons aggrieved are to be relieved under this Statute.

If any persons find themselves aggrieved by any determination which any Justice of Peace shall make in the cases aforesaid, they shall have liberty to appeal to the next Quarter-Sessions. *Same Stat.*

If any person be removed by virtue of this Act from one county, city, town corporate, or liberty, to another, by warrant of two Justices, the Churchwardens and Overseers of the parish or town to which the person shall be

be removed are required to receive the person ; and if they refuse, they (on proof by two witnesses before any Justice of peace of the county, city, or town-corporate, to which the person shall be removed) shall forfeit five pounds to the poor of the parish, &c. from which the person was removed, to be levied by distress and sale of goods by warrant of any Justice of the county, &c. to which such person was removed, to the Constable of the parish or town where such offenders dwell ; and for want of distress, the justice shall commit the offenders to the common gaol for forty days. All persons aggrieved by such judgment of two Justices have a right to appeal to the next Quarter Sessions for the county, &c. from which the person was removed. *Same Stat.*

Churchwardens and overseers to keep a Register of the Admittance of the Poor.

Books are to be kept in every parish wherein the names of all persons who do receive collection shall be registered, with the day and year when they were admitted, and the occasion which brought them under that necessity ; and yearly in Easter-week, (as often as shall be thought convenient) the Parishioners shall meet at their Vestry, before whom they shall be produced, and all persons receiving collection called over, and the reasons of their taking relief examined, and a new list made of such as they shall think fit to receive collection ; and no other person shall be allowed collection at the charge of the parish, but by authority under the hand of a Justice of Peace residing within such parish, or (if none be there dwelling) in parts near adjoining ; or by order of the Quarter-Sessions, except in cases of pestilential diseases, plague, or small-pox, for such families only as are infected. *Same Stat.*

What Evidence good against Churchwardens or Overseers for Money mispent.

In all actions brought in the courts at Westminster, or at the assizes, for any Money mispent or taken by Churchwardens or overseers of the Poor, the evidence of

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of the Parishioners (other then of such as receive alms, or any person out of such collections of public monies) shall be admitted. *Same Stat.*

Poor Persons coming to inhabit in any Parish are to bring a Certificate from the Churchwardens, &c. where they last resided.

If any person who shall come into any parish to inhabit, shall deliver to the Churchwardens or Overseers a certificate under the hands and Seals of the Churchwardens and Overseers of any other Parish, or of the Overseers of the Poor of any other Place where there are no Churchwardens, attested by two witnesses, owning the person to be an inhabitant settled in that Parish, such certificate having been subscribed, two Justices of the Peace of the county, &c. wherein such parish from whence such certificate shall come doth lie, shall oblige the said parish to provide for the person, together with his family, whenever he shall become chargeable to the parish to which such certificate was given; and then, and not before, it shall be lawful for any such person and his children, tho' born in the parish, not having otherwise acquired a legal settlement there, to be removed into the parish from which such certificate was brought. *Stat. 8th and 9th Will. III.*

Poor Persons receiving alms of the parish are to wear a Badge on the shoulder of the right Sleeve, under pain of Corporal Punishment.

Every person who shall be upon the collection of the parish, and the wife and children of such person cohabiting in the same house (such child only excepted as shall be by the Churchwardens and Overseers permitted to live at home in order to attend an impotent parent), shall, on the shoulder of the right sleeve of the upper garment, wear such badge as is mentioned in the said act, viz. a large Roman P. with the first letter of the name of the parish cut in red or blue cloth; and if any poor person shall neglect to wear such badge, it shall be lawful for any Justice of Peace to punish such offender, either by ordering

dering his allowance to be abridged, suspended, or withdrawn, or by committing him to the House of Correction to be whipped, and kept to hard labour for any number of days not exceeding twenty-one; and if any Churchwarden or Overseer relieve any such poor person not wearing such badge, being convicted on the oath of one witness before any Justice of Peace, he shall forfeit twenty shillings, to be levied by distress and sale of goods by warrant of any Justice, one moiety to the informer, and the other to the Poor of the Parish. *Same Stat.*

On Appeals under this Statute, the Person in whose Favour the same is determined to have Costs.

The Justices in their Quarter-sessions, on any appeal concerning the settlement of any poor person, or on any proof before them made of notice of such appeal, shall order to the party for whom such appeal shall be determined, or to whom such notice did appear to have been given, such costs as by the Justices shall be thought just, to be paid by the Churchwardens, Overseers, or any other person against whom such appeal shall be determined, or by the person that did give such notice. And if the person ordered to pay such costs shall lie out of the jurisdiction of the Court, any Justice of the county, &c. wherein such person shall inhabit, is required, upon request made, and a copy of the order for cost, produced and proved by warrant, to cause the money mentioned in that order to be levied by distress and sale of goods; and if no distress, to commit such person to the common gaol, there to remain twenty days. *Same Stat.*

How long a Servant must continue in Service to gain a Settlement in the Parish.

No hired person shall be adjudged to have a settlement unless such person continue in their service during the whole year. *Same Stat.*

How

How Parish Children put out Apprentice to Trades are to be maintained.

Where poor children shall be appointed to be bound apprentice under 43 *Eliz.* the person to whom they are bound shall receive and provide for them according to the tenor of the indenture signed, and confirmed by two Justices, and also execute to the Parish a counterpart thereof; and if he refuse, on oath being made thereof by one of the Churchwardens or Overseers before any two Justices for the county, &c. he shall forfeit ten pounds, to be levied by distress and sale of his goods by warrant of the said Justice. The forfeiture to be applied to the use of the Poor of the parish, saving to the person who incurs the penalty his appeal to the next Quarter Sessions, whose order thereon shall be final. *Stat. 8th and 9th Will. III.*

The *Stat. 20 Geo. 3. c. 36.* recites that several Acts of Parliament have of late years been made for the better relief and employment of the Poor in particular incorporated hundreds or districts, whereby power is given to bind poor Children Apprentices under certain restrictions therein mentioned; and whereas doubts have arisen, whether persons are compellable to receive and provide for such poor Children as shall be appointed to be bound apprentices to them in pursuance of the said Acts; it is therefore enacted, that the respective persons to whom any poor Children shall be appointed to be bound Apprentices in pursuance of any Act made for the better relief and employment of the Poor in any particular incorporated hundreds or districts, shall receive and provide for such children, according to the Indentures to be executed by the Directors and acting Guardians of the Poor for such respective hundreds or districts, for the binding of such poor children, in like manner as they are now obliged by the laws in being to receive and provide for poor Children appointed to be bound Apprentices by Churchwardens and Overseers of the poor, with the Assent of two Justices, and also to execute the counterpart of such Indenture. And if any person, to whom any poor child shall be appointed to be bound apprentice, in pursuance of any such Act of Par-

liament

liament as aforefaid, fhall refuse or neglect to receive and provide for fuch poor child, or to execute the counterpart of fuch Indenture, he fhall, on proof of fuch refusal or neglect being made, by the oath of one of the directors or acting Guardians, or of fome other credible witness, before two Juftices acting in and for the county liberty, or place, within which the incorporated hundred or diftrict to which fuch child belongs fhall be fituated, fhall forfeit to the Directors and acting Guardians of the Poor for fuch incorporated hundred or diftrict, or to their treasurer or Appointee, to be applied to the relief of the Poor within the fame, the Sum of 10*l.* by diftreff; faving always to fuch perfon his appeal to the next Sessions, whose order therein fhall be final. Provided always, that nothing herein fhall be construed to compel any perfon to take any fuch poor child apprentice, unlefs fuch perfon be an inhabitant and occupier of Lands, in the Parifh to which fuch child belongs.

What Parifh Children may be put to the Sea Service; and by whom.

The Churchwardens and Overseers of the Poor of the feveral parishes, with the approbation of the Juftices, Mayor, &c. may bind out any boys of the age of ten years or upwards, or whose parents are chargeable to the parish, or who fhall beg for alms, to be apprentices to the fea service to any of his Majesty's Subjects, masters or owners of any fhip belonging to any port within England, Wales, or Berwick, until fuch boys fhall attain the age of twenty-one years; and the age of every fuch boy fhall be mentioned in his indentures, taken from a copy of the Register-book, wherein the time of his being baptifed is entered (where the fame can be had); which copy of Baptifm fhall be given and attested by the Minister or Curate of fuch parish without fee, and may be wrote without stamp: and where no fuch entry can be found, fuch Juftice, Mayor, &c. fhall inform themselves of fuch boy's age, and insert the fame in the Indentures; and the age fo inserted fhall be taken to be his true age. *Stat. 2d Ann.*

What

What Consideration is to be given with such Apprentice.

That Churchwardens and Overseers of the Parish from whence such boy shall be bound apprentice, shall pay to such Master, at the time of his binding, fifty shillings, to provide clothing and bedding. *Same Stat.*

Note, The overseers of the poor of every township or village may execute the power given to the Justices, Mayor, &c. by this Statute.

How Parish Boys are to be turned over to the Sea Service.

Every person to whom any poor parish boy shall be put apprentice according to 43 *Eliz.* may, with the approbation of two Justices of the County dwelling in or near the parish where such poor boy was bound, or with the approbation of any Mayor, &c. turn over such poor boy apprentice to any Master of such Ship for the remainder of his time; all which indentures of assignment are to be registered, and certificates thereof transmitted by the Collectors at the Ports where such Parish apprentice shall be assigned over; and protections shall be given for such apprentices till they attain the age of eighteen years. *Same Stat.*

What Masters of Ships are obliged to take such Apprentices.

Every Master or Owner of a Ship from thirty to fifty tons burthen, shall be obliged to take one apprentice, and one more for the next fifty ton, and one more for every hundred ton such ship shall exceed the burthen of an hundred ton, on forfeiture of ten pounds to the Poor of the Parish from whence such boy was bound. *Same Stat.*

Such Apprentice to be entered on clearing out.

Every Master so obliged to take such apprentice shall, after his arrival into any port as aforesaid, and before he clears out thereof, give an account in writing, under his hand, to the Collector, containing the names and number of such apprentices as are remaining in his service. *Same Stat.*

How

How an Apprentice is to be conveyed to the Port where his Master belongs.

He is to be conveyed by the Churchwardens and Overseers, or their Agents, and the charges thereof to be paid as directed by the 11th and 12th Will. III, viz. out of the Gaol and Marshalsea money, which by 12th Geo. II. is directed to be paid out of the General County Rate. *Same Stat.*

How his Indenture of Apprenticeship is to be executed.

The counterpart of the Indenture is to be sealed and executed by the Master, and attested by the Collector of the Port, and the Constable or Officer who carries the Apprentice; which Officer shall transmit such counterpart to the Churchwardens and Overseers of the Poor of the place from whence the apprentice was bound. *Same Stat.*

Differences between Master and Apprentice how to be settled.

Two Justices near the Port, and Mayors of towns corporate in or near adjoining to such Port, to which such ship or vessel shall at any time arrive, may determine all complaints of ill usage from the Master to such Apprentice, and also of all such as shall voluntarily put themselves Apprentices to the Sea Service, and make such order therein as they are enabled by law to do in other cases between Masters and Apprentices. *Same Stat.*

Register to be kept in the Ports, of the Burthen of the Ships, Masters Names, and Number of Apprentices in his Service.

The Collector in the Port shall keep a register containing the number and burthen of all ships belonging to the Port, together with the Master or Owners names, and also the names of all such apprentices in such ships, and from what parishes and places they came, and shall transmit (*gratis*) true copies thereof, signed by him, to the Quarter Sessions, or to such towns corporate, parishes, or places, when, and so often as he shall be reasonably required so to do; and every Collector refusing or neglecting to send such copy, shall forfeit five pounds to the Poor of

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of the Parish from whence such boy was bound. *Same Stat.*

Custom-house Officers to insert Apprentices in their Cocquets.

All Custom-house Officers shall insert at the bottom of their cocquets the number of men and boys on board their respective ships at their going out, describing the apprentices by their names, ages, and dates of indentures, for which no fee shall be taken. *Same Stat.*

Note, The 12th *Ann.* that makes stealing to the value of Forty Shillings in a dwelling house, or out-house thereto belonging (though the same be not broken open) felony without benefit of Clergy, doth not extend to apprentices under the age of fifteen years. *Same Stat.*

Differences between Masters and Apprentices how determined under Stat. 20th Geo. I.

Two Justices on complaint or application by any apprentice put out by the parish, or any other apprentice on whose binding out no larger sum than five pounds was paid, touching any misusage, refusal of necessary provisions, cruelty or other ill treatment towards such Apprentice by his or her Master or Mistress, to summon such Master or Mistress to appear before such Justice at a reasonable time to be named in such summons; and such Justices shall examine the matter of such complaint, and on proof thereof made on oath to their Satisfaction, (whether the Master or Mistress be present or not, if service of the summons be also on oath proved) the said Justices may discharge such Apprentice by warrant or certificate under their hands and seals, for which no fee shall be paid. *Stat. 20th Geo. II.*

Complaints against the Apprentice how punished.

Justices, on application or complaint made on oath by any Master or Mistress against their apprentice touching any misdemeanor, miscarriage, or ill behaviour in his or their service, are to hear, examine, and determine the same, and to punish the offender by committing him to the House of Correction, there to remain, and be corrected
and

and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice as aforesaid. *Same Stat.*

How Parties aggrieved under this Statute on the Matters aforesaid are to be relieved.

Any person aggrieved by the determination of the Justices (except any order of the commitment) may appeal to the next General Quarter Sessions of the Peace to be held for the County, &c. where such determination or order was made; which next General Quarter Sessions are empowered by this Act to finally determine the same, and to give and award such costs to any of the parties as the Sessions shall think reasonable, not exceeding forty shillings, to be levied by distress and sale in manner aforesaid. *Same Stat.*

Note, No *Certiorari* can issue to remove any proceedings had under this act into any of his Majesty's Courts of Record at Westminster.

A further Explanation and Amendment of the 3d Will. and Mary by 31st Geo. II.

No person who shall have been bound an apprentice by any deed, writing, or contract, not indented, being first legally stamped (*with a half crown stamp*) shall be liable to be removed from the town, parish or place where he or she shall have been bound an apprentice, and resident forty days, by virtue of an order of removal granted by two Justices of the Peace of any county, &c. or by virtue of any order of the Justices at their General or Quarter Sessions, by reason or on account of such deed, writing or contract not being indented only. *Stat. 31st Geo. II.*

If any person shall be an apprentice by indenture, or an hired servant to any person who did come into any parish by certificate, and not afterwards having gained a settlement, such apprentice by such apprenticeship, and such servant by serving as aforesaid, shall not gain any settlement. *Stat. 12th Ann.*

Churchwardens and Overseers Remedy against Parents quitting a Parish, and leaving their Children chargeable thereon.

Where any Wife or Children shall be left by their Husbands, Fathers or Mothers, on the charge of such Parish, the Churchwardens and Overseers may, by warrant or order from any two Justices of the Peace, seize so much of the goods, and receive so much of the annual rents and profits of the lands of such Husband, Father, or Mother, as such Justices shall direct for the discharge of the Parish for providing for such Wife, &c. which order being confirmed at the next Quarter-Sessions, the Justices at such Sessions may make an order to dispose of such goods by sale, or otherwise, and to receive the rents and profits, &c. for the purposes aforesaid. *Stat. 5th Geo. I.*

The Churchwardens and Overseers are to be accountable to the Quarter-Sessions for the monies they receive. *Same Stat.*

No Person to be relieved by the Justices, but on sufficient Ground on Oath.

No Justice of Peace to order relief to any poor person, till oath made before such Justice of some matter which he shall judge to be reasonable cause for such relief; and that the person had applied for relief at some public meeting of the Parishioners, or to two of the Overseers of such Parish, and was by them refused; nor till such Justice had summoned two of the Overseers to shew cause why such relief should not be given, and the person so summoned hath been heard, or made default to appear. *Stat. 9th Geo. I.*

The Person to receive Relief no longer than the Cause continues.

The person whom such Justice shall order to be relieved, shall be entered in the Parish-books as one of those who is to receive collections, as long as the cause for such relief continues; and no Officer of any Parish shall (except on sudden occasions) bring to the accounts of the Parish any monies he shall give to any poor person who is not registered in the Parish-books, on forfeiture of 5*l.* to be levied by distress and sale, by warrant of two Justices who

who shall have found him guilty of such offence, to be applied for the use of the Poor, by direction of the Justices. *Same Stat.*

Churchwardens and Overseers to purchase Houses, &c. to lodge and employ the Poor in.

The Churchwardens and Overseers, with the consent of the Parishioners or Inhabitants in Vestry, may purchase or hire houses in the Parish, &c. and contract with persons for lodging, maintaining, and employing all such Poor in their Parishes, &c. as shall desire relief; and if any poor person refuse to be lodged in such house he shall be put out of the books, and shall not be entitled to relief. And two or more of such Parishes, &c. with like consent, with the approbation of a Justice of Peace dwelling in or near such Parish, &c. may unite in purchasing or hiring such house. And the Churchwardens and Overseers of any Parish, &c. with like consent, &c. may contract with the Churchwardens and Overseers of any other Parish, &c. for the lodging, maintaining, or employing of any poor person, &c. provided that no person, his apprentice, or children, shall require a settlement in the Parish, &c. to which they are removed by virtue of this Act. *Same Stat.*

How a Settlement is acquired by Purchase.

No person shall acquire any Settlement by virtue of any purchase of an Estate, whereof the consideration does not amount to 30 l. for any longer time than such person shall inhabit in such estate. *Same Stat.*

Paying Scavenger's Tax, or Repairs of Highways, no Settlement.

No person shall be deemed to have a Settlement in any City, Parish, &c. by reason of his paying the Scavenger's rate or repairs of Highways. *Same Stat.*

Exceptions out of this Statute.

The Justices within the Liberty of the Borough of Saint Peter and Hundred of Nassaborough, in the County of Northampton, may hear and determine appeals against any order for removal of any poor person in their Quarter-Sessions. *Same Stat.*

What Notice necessary to be given the Parties on Appeals under this Statute.

No appeal for any order of removal shall be proceeded upon, unless notice to be given by the Churchwardens or Overseers of the Parish, who shall make the appeal to the Churchwardens, &c. of the Parish from which such poor person shall be removed; the reasonableness of which notice shall be determined by the Quarter Sessions; and if reasonable notice was not given, they shall adjourn the appeal to the next Quarter-Sessions. *Same Stat.*

How poor People unduly removed are to be relieved.

If the Justices shall at their Quarter Sessions, upon appeal concerning the Settlement of any poor person, determine in favour of the Appellant, they shall award the Appellant so much money as shall have been reasonably paid by the Parish on whose behalf the appeal was made for the relief of such poor person, to be recovered in the same manner as costs on an appeal, by 8th and 9th of Wm. III. *Same Stat.*

Witnesses Certificate of Settlements, how to be authenticated.

The witnesses who attested the execution of certificates of Settlements, or one of them, shall make oath before the Justices, who by 8th and 9th Wm. III. cap. 30. are directed to allow the same, that such witness did see the Churchwardens and Overseers sign and seal the said certificates, &c. and the Justices shall certify that such oath was made before them; and such certificate shall be allowed in all Courts as fully proved, and be taken as evidence without any other proof. *Stat. 3d Geo. II.*

Overseers, how to be reimbursed their Charge of reconveying certificated Persons.

When any Overseer of the Poor, or other persons, shall remove back any persons and their families, sent by certificate, they shall be reimbursed such reasonable charges as they have been put to in maintaining and removing such persons, by the Churchwardens or Overseers of the Parish to which such persons are removed,

moved, the charges being ascertained by one Justice of the County to which such removal shall be made; the which charges shall, in case of refusal of payment, be levied by distress and sale of the Churchwardens and Overseers goods, by warrant of such Justice. *Same Stat.*

Poor's Rates how to be made known to the Parishioners.

The Churchwardens and Overseers, or other persons authorized to take care of the Poor in every Parish, Township, or place, shall give, or cause to be given, public notice in the Church of every Rate for the relief of the Poor allowed by the Justices of Peace, the Sunday next after the same shall have been allowed; and no Rate shall be esteemed or reputed valid and sufficient, so as to collect and raise the same, unless such notice shall have been given. *Stat. 17 Geo. II.*

Parishioner's Right to inspect Rates, and take Copies.

The Churchwardens and Overseers of the Poor, or any other persons authorized as aforesaid, in every Parish, Township or place, shall permit all and every the Inhabitants of the said Parish, Township, or place, to inspect every such Rate at all seasonable times, paying One Shilling for the same; and shall upon demand forthwith give copies of the same, or any part thereof, to any Inhabitant of the said Parish, Township, or place, paying at the rate of Sixpence for every 24 names. *Same Stat.*

Penalties on Churchwardens, &c. refusing such Inspection.

If any Churchwarden or Overseers of the Poor, or other person authorized as aforesaid, shall not permit any Inhabitant or Parishioner to inspect the said Rates, or shall refuse or neglect to give copies thereof as aforesaid, such Churchwarden or Overseer, or other person authorized as aforesaid, for every such offence shall forfeit and pay to the party aggrieved the sum of Twenty Pounds, to be sued for and recovered by Action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record, wherein no essoin, protection, or wager of Law, or more than one imparlance shall be allowed. *Same Stat.*

Drained Lands to be chargeable with Parochial Taxes, and Disputes thereon to be determined by Justices in General Quarter Sessions.

That from and after the 24th June, 1744, where disputes or uncertainty in what Parish or place such lands, heretofore improved and drained, or hereafter to be improved or drained, lie, and ought to be rated; all and every the occupier or occupiers of such lands or houses built thereon, tenements tythes arising therefrom, mines therein, and saleable underwoods therein growing, or hereafter to grow, shall be rated and assessed to the relief of the Poor, and to all other Parochial Rates within such Parish and place which lies nearest to such lands; in like manner and form, and subject to the same direction and regulation, as all other lands within such Parish and place are by law liable to be rated and assessed thereunto; and if, on application to the Officers of such Parish or place, to have such improved or drained lands rated and assessed as aforesaid, any difference or dispute shall arise, touching what Parish or place such lands ought to be rated and assessed in, it shall and may be lawful to and for the Justices of Peace for the County, Riding, Liberty, or Division, where such lands lie, at their General Quarter-Sessions to be held for such County, Riding, Liberty, or Division, after such application made as aforesaid, and after notice given to the Officers of the several Parishes and places abutting upon and adjoining to such lands, and to all other persons claiming and interested therein, to hear and determine the same on the appeal of any person interested, and at such Sessions to cause such lands or hereditaments as aforesaid to be allotted to, and fairly and equally assessed in, such Parish or place as they shall see just and meet; and such determination and allotment shall at all times thereafter be final and conclusive to and upon the said several Parishes and places, and all other persons whatsoever, as to the Parish or place in which such lands and hereditaments shall be rated and assessed to the Poor, and all other Parochial Rates, as aforesaid. And the said lands and hereditaments shall at all times after such determination and allotment

allotment be rated and assessed to the relief of the Poor, and to all other Parochial Rates within such Parish and Parishes, place and places only, to which they shall respectively have been so allotted as aforesaid. *Same Stat.*

Exception out of this Statute.

Nothing contained in the said Act, nor any allotment to be made by the Justices of the Peace at their General Quarter Sessions in pursuance thereof, shall extend to, or be deemed or construed to extend to, or in any wise affect or determine, the boundaries of any Parish or Parishes, place or places, to any intent or purposes, other than for the purpose of rating and assessing such lands, tenements, and hereditaments, to the relief of the Poor, and to all other Parochial Rates, within such Parish or place to which they shall be so allotted as aforesaid.

When and how Churchwardens and Overseers of the Poor are to make up their Accounts.

That from and after the 24th day of June, 1744, the Churchwardens and Overseers shall yearly, and every year within fourteen days after other Overseers shall be nominated and appointed to succeed them, deliver in to such succeeding Overseers a just, true, and perfect account, in writing, fairly entered in a book or books to be kept for that purpose, and signed by the said Churchwardens and Overseers hereby directed to account as aforesaid, under their hands, of all sums of money by them received, or rated and assessed and not received; and also of all goods, chattels, stock, and materials that shall be in their hands, or in the hands of any of the Poor, in order to be wrought, and of all monies paid by the Churchwardens and Overseers so accounting, and of all other things concerning their said office; and shall also pay and deliver over all sums of money, goods, chattels, and other things as shall be in their hands, unto such succeeding Overseer of the Poor; which said account shall be verified by Oath, or by the Affirmation of persons called Quakers, before one or more of His Majesty's Justices of the Peace; which said Oath or Affirmation, such Justice or Justices is and are hereby authorised and required to administer, and to sign

and attest the caption of the same, at the foot of the said account, without fee or reward; and the said book or books shall be carefully reserved by the Churchwardens and Overseers, or one of them, in some public or other place, in every Parish, Township, or place; and they shall, and are hereby required to permit any person there assessed, or liable to be assessed, to inspect the same at all reasonable times, paying Sixpence for such inspection; and shall, upon demand, forthwith give copies of the same, or any part thereof, to such person, paying at the rate of Sixpence for every 300 words, and so in proportion for any greater or less number. *Stat. 17th Geo. II.*

Penalty on Churchwardens, &c. not accounting according to Act.

In case Churchwardens and Overseers of the Poor, or any of them, shall refuse or neglect to make and yield up such account, verified as aforesaid, within the time limited by the Act, or shall refuse and neglect to pay and deliver over such sum or sums of money, goods, chattels, and other things, in their hands; in either of the said Cases, it shall be lawful for any two Justices of the Peace to commit him or them to the Common Gaol, until he or they shall have given such account, or shall have paid or yielded up such monies, goods, chattels, and other things in their hands, as aforesaid. *Same Stat.*

On Death, Removal, or Insolvency of Overseer, how another is to be chosen.

If any Overseer shall die, or remove from the place for which he was appointed, or become insolvent, before the expiration of his Office; on oath thereof made, it shall be lawful for two Justices of the Peace to appoint another Overseer in his stead, who shall continue in Office until new Overseers are appointed; and if any Overseer shall remove as aforesaid, he shall, before such removal, deliver over to some Churchwarden, or other Overseer of the same place, his accounts verified as aforesaid, with all rates, assessments, books, papers, sums of money, and other things concerning his office, under the penalties of this Act on an Overseer refusing to do the same

same after the expiration of his office; and if any Overseer shall die, as aforesaid, his Executors or Administrators shall, within forty days after his decease, deliver over all things concerning his office to some Churchwarden or other Overseer of the same place, and shall pay out of the assets left by such Overseer, all sums of money remaining due, which he received by virtue of his office, before any of his other debts are paid and satisfied. *Same Stat.*

How Persons aggrieved under this Statute are to be redressed.

In case any person or persons find him, her, or themselves aggrieved by any rate or assessment made for relief of the Poor; or shall have any material objection to any person or persons being put on, or left out of, such rate or assessment, or to the sum charged on any person or persons therein; or shall have any material objection to such account as aforesaid, or any part therein; or shall find him, her, or themselves aggrieved by any neglect, act, or thing done or omitted by the Churchwardens and Overseers of the Poor, or by any of His Majesty's Justices of the Peace; it shall be lawful for such person or persons, in any of the cases aforesaid, giving reasonable notice to the Churchwardens or Overseers of the Poor of the Parish, Township, or place, to appeal to the next General or Quarter Sessions of the Peace for the County, Riding, Division, Corporation, or Franchise, where such Parish, Township, or place lies; and the Justices of the Peace there assembled are, by this Act, required to receive such appeal, and to hear and finally determine the same; but if it shall appear to the said Justices that reasonable notice was not given, then they shall adjourn the said appeal to the next Quarter Sessions, and then and there finally hear and determine the same; and the said Justices may award and order to the party for whom such appeal shall be determined, reasonable costs, in the same manner they are empowered to do, in case of appeals concerning the settlement of poor persons, by the 8th and 9th Wm. III. *Same Stat.*

Exceptions

Exceptions out of this Statute.

In all Corporations or Franchises who have not four Justices of the Peace, it shall be lawful for any person or persons, in any of the cases aforesaid, where an appeal is given, to appeal, if he or she shall think fit, to the next General or Quarter Sessions for the County, Riding, or Division wherein such Corporation or Franchise is situate.

How far Justices are to relieve on Appeals.

Upon all appeals from rates and assessments, the Justices of the Peace (where they shall see just cause to give relief) are by this Act required to amend the same in such manner only as shall be necessary for giving such relief, without altering such rates or assessments with respect to other persons mentioned in the same; but if, on appeal from the whole rate, it shall be found necessary to quash or set aside the same; in every such case the said Justices are required to direct the Churchwardens and Overseers of the Poor to make a new equal rate or assessment, which they must do accordingly. *Same Stat.*

Warrants of distress how to be levied.

The goods of any person assessed, and refusing to pay, may be levied by warrant of distress, not only in the place where such assessment was made, but in any other place within the said County or Precinct; and if sufficient distress cannot be found within the said County or Precinct, on oath made thereof before some Justice of any other County or Precinct (which oath shall be certified under the hand of such Justice on the said Warrant) such goods may be levied in such other County or Precinct, by virtue of such other Warrant and Certificate; and the party aggrieved may appeal to the next General or Quarter Sessions of the Peace for the County or Precinct where the assessment was made, and the Justices are to hear and finally determine the same. *Same Stat.*

Relief

Relief for Overseers against vexatious Actions on making a Distress.

Where any Distress shall be made for any sum or sums of money justly due for the relief of the Poor, the distress itself shall not be deemed to be unlawful, nor the party or parties making it be deemed a trespasser on account of any defect or want of form in the warrant for the appointment of such Overseers, or in the rate or assessment, or in the warrant of distress thereupon; nor shall the party or parties distraining be deemed a trespasser or trespassers, *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distraining; but the party or parties aggrieved by such irregularity, shall or may recover full satisfaction for the special damage, he, she, or they shall have sustained thereby, and no more, in any action of *trespass*, or on the *case*, at the election of the Plaintiff or Plaintiffs. *Same Stat.*

Full Costs allowed Plaintiffs under the Statute, on a Verdict in their favour.

Where the Plaintiff or Plaintiffs shall recover in such Action, he, she, or they shall be paid his, her, or their full costs of suit, and have all their like remedies for the same, as in other cases of costs. *Same Stat.*

Exception where Tender of Amends made before Action brought.

That no Plaintiff or Plaintiffs shall recover, in any action, for any such irregularity, as aforesaid, if tender of amends hath been made by the party or parties distraining before such action brought. *Same Stat.*

How old Overseers are to be reimbursed their Arrears.

In case any person or persons shall refuse to pay to such Overseers, as aforesaid, any sum or sums of money that he, she, or they shall be legally rated or assessed to, it shall be lawful for the succeeding Overseers, and they are by this Act required to levy such arrears, and out of the money so levied to reimburse their predecessors of all sums of money which they have expended for the use of the Poor,
and

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and which are allowed to be due to them in their accounts as aforesaid. *Same Stat.*

Persons occupying Houses how to be rated.

Whereas persons frequently remove out of Parishes and places without paying the rates assessed on them, and other persons do enter and occupy their house or tenements part of the year, by reason whereof great sums are annually lost to such Parishes and places; *It is enacted*, That where any person or persons shall come into or occupy any house, land, tenement, or hereditament, or other premises out of, or from which any other person assessed shall be removed, or which, at the time of making such rate, was empty or unoccupied; that then every person removing from, and every person so coming into, or occupying the same, shall be liable to pay to such rate in proportion to the time that such person occupied the same respectively, in the same manner, and under the like penalty of distress, as if such person so removing had not removed, or such person so coming in, or occupying, had been originally rated and assessed in such rate; which said proportion, in case of dispute, shall be ascertained by any two or more of His Majesty's Justices of the Peace. *Same Stat.*

Churchwardens, &c. to enter the Rates in a Book, to be kept by them for that Purpose.

That true and just copies of all rates and assessments hereafter to be made for the relief of the Poor, be fairly wrote and entered in a book or books to be provided for that purpose by the Churchwardens and Overseers of the Poor of every Parish, Township, or place, who shall take care that such copies be wrote and entered accordingly within fourteen days after all appeals from such rate are determined, and attest the same by putting their names thereto; and all and every such book or books shall be carefully preserved by the Churchwardens and Overseers of the Poor for the time being, or one of them, in some public or other place in every such Parish, Township, or place, whereto all persons assessed or liable to be assessed, may freely resort, and shall be delivered over, from time to time,

time, to the new and succeeding Churchwardens and Overseers of the Poor, as soon as they enter into their said office, to be preserved as aforesaid, and shall be produced by them at their General or Quarter Sessions, when any appeal is to be heard or determined. *Same Stat.*

Penalty on Churchwardens not complying with this Act.

If any Churchwarden, Overseer of the Poor, or other Officer of any Parish, Township, or place, shall neglect or refuse to obey and perform the several orders and directions of the said Act, or any of them, where no penalty is before provided by the Act, or shall act contrary thereto, every such Churchwarden, Overseer of the Poor, or other Officer so offending in the premises, shall, for every such offence, on oath thereof made, within two calendar months after the offence committed, before any two or more of His Majesty's Justices of the Peace, forfeit for the use of the Poor of such Parish, Township, or place, a sum not exceeding Five pounds, nor less than Twenty shillings, to be levied by distress and sale of the offender's goods by warrant from such Justices; which sum shall be paid to some Churchwarden or Overseer of the Poor of such Parish, Township, or place, for the purpose aforesaid. *Same Stat.*

Power of Overseers where there are no Churchwardens.

That Overseers of the Poor within every Township, or place, where there are no Churchwardens, shall, from time to time, do, perform, and execute all and every the acts, powers, and authorities concerning the relief of, and other matters and things relating to the Poor, as Churchwardens and Overseers of the Poor may do, perform, and execute by the said Act, or any former Statute concerning the Poor; and shall lose, forfeit, and suffer all such pains and penalties for neglect, abuse, and non-performance thereof, as Churchwardens and Overseers of the Poor are liable to, by virtue of this or any former statute concerning the Poor. *Same Stat*

Church-

Churchwardens and Overseers how they are to conduct themselves in regard to providing for Bastard Children.

Two Justices of the Peace (one whereof of the *Quorum*) in or next unto the limits where the Parish Church is, within which Parish such Bastard shall be born, on examination of the cause and circumstances, shall and may, by their discretion, take order as well for the punishment of the Mother and reputed Father of such Bastard Child, as also for the better relief of every such parish in part or in all; and shall, at like discretion, take order for the keeping of every such Bastard Child, by charging such Mother or reputed Father with the payment of money weekly, or other sustentation for the relief of such Child, in such wise as they shall think convenient; and if, after same order by them subscribed under their hands, any of the said persons, *viz.* Mother or reputed father, on notice thereof, shall not, for their part, observe and perform the said order, that then every such party so making default in not performing of the said Order, to be committed to *ward* to the Common Gaol, there to remain without bail or mainprize, except he, she, or they shall put in sufficient security to perform the said Order, or else personally to appear at the next General Sessions of the Peace to be holden in that County where such order shall be taken, and also to abide such order as the said Justices of the Peace, or the greater part of them, then and there shall make in that behalf; and if at the said Sessions the said Justices shall make no other order, then to abide and perform the order before made as aforesaid. *Stat. 18th Eliz.*

Lewd Women having Bastards chargeable on the Parish, how punished.

The Justices of Peace shall commit every lewd woman who shall have any Bastard, which may be chargeable to the Parish, to the House of Correction, there to be punished and set to work during one year; and if she shall offend again, then to remain until she put in sureties for her good behaviour not to offend again. *Stat. 7th James I.*

Punish-

Punishment of a Mother concealing the Death of her Bastard Child.

If any woman be delivered of any issue of her body, male or female, which being born alive, should by the laws of this realm be a bastard, and she endeavour privately, either by drowning or secret burying thereof, or any other ways, either by herself or the procuring of others, so to conceal the death thereof, as it may not come to light whether it were born alive or not, but be concealed, she shall suffer death as in case of murder, except she can prove, by one witness at least, that the child was born dead. Stat. 21st James I.

How the reputed Father of a Bastard Child running away is to be proceeded against.

It shall be lawful for the Churchwardens and Overseers of the Poor of such Parish where any Bastard Child shall be born, to take and seize so much of the goods and chattels, and to receive so much of the annual rents or profits of the lands of such putative father or lewd Mother, as shall be ordered by any two Justices of the Peace as aforesaid, for or towards the discharge of the Parish, to be confirmed at the Sessions, for bringing up and providing for such Bastard Child; and it shall be lawful for the Sessions to make an order for the Churchwardens or Overseers of the Poor of such Parish to dispose of the goods by sale or otherwise, or so much of them, for the purposes aforesaid, as the Court shall think fit, and to receive the rents and profits, or so much of them as shall be ordered by the Sessions as aforesaid, of his or her lands. Stat. 13th and 14th Car. II.

What Charge sufficient to apprehend the reputed Father of a Bastard Child.

If any single woman shall be delivered of a Bastard Child, likely to become chargeable to any Parish, or shall declare herself with child, and that such child is likely to be born a bastard, and to be chargeable to any Parish; and shall, in an examination to be taken in writing upon

upon Oath before one Justice of the Peace, charge any person with having gotten her with child ; it shall be lawful for such Justice, upon application by the Overseers of the Poor of such Parish, or by any substantial householder of an extra-parochial place, to issue his warrant for apprehending such person so charged, and for bringing him before any of his Majesty's Justices of such county, &c. And the Justice before whom such person shall be brought, is required to commit him to the Common Gaol, or House of Correction, unless he give security to indemnify such Parish, or shall enter into a recognizance, with sufficient surety, to appear at next Quarter Sessions, and to perform such order as shall be made in pursuance of the 18th Eliz. Stat. 6th Geo. II.

Note, If the woman shall die, or be married, before she be delivered, or shall miscarry of such child, or shall appear not to have been with child, such person shall be discharged from his recognizance, or released out of custody ; and on application by the person committed to any Justice, such Justice is required to summon the Overseers to shew cause why such person should not be discharged ; and if no order made within six weeks after such woman shall have been delivered, such Justice may discharge him.
Same Stat.

No Woman to be compelled to swear to the Father of the Child before she is delivered, or for one Month after.

It shall not be lawful for any Justice to send for any woman before she shall be delivered, and one month after, in order to her being examined concerning her pregnancy, or to compel any woman, before she be delivered, to answer any questions relating to her pregnancy. *Same Stat.*

Overseers to pay the Reward for apprehending Vagrants, and Penalty on refusal.

A Justice, by warrant under his hand and seal, may order any Overseer of the Poor of the Parish, or place, where such Vagrant shall be apprehended, to pay the sum of Five Shillings to any person in any such Parish or place,
to

to apprehending them, for every offender so apprehended; which sum shall be allowed him in his account, producing the Justice's order, and a receipt under the hand of the person receiving the same; and if he refuses to pay such reward, the Justice, on oath thereof, may, by warrant, levy the same on the goods of the said Overseer. *Stat. 17th Geo. II.*

CASES of LAW determined on the foregoing Statutes.

Respecting Justices, Churchwardens, and Overseers.

On a *Mandamus* directed to the Justices of the Peace of a particular County to appoint Overseers of a *Ville*, where there were divers substantial Freeholders able to contribute to the maintenance of the Poor, and no Churchwardens or Overseers to make a rate, and many Poor unprovided for; though such *Ville* is extra-parochial, yet the Court of K. B. on solemn argument, were of opinion, that the Powers given by the 43^d *Eliz.* to be executed in Parishes, were by 13th and 14th *Car. II.* extended to all Townships and Villages, whether Parochial or Extra-parochial; and therefore that an Extra-parochial place ought to maintain their own Poor, and that Overseers might be appointed thereto for that purpose. *Adjudged Cases K. B. p. 46.*

By 13th and 14th *Car. II.* Justices are empowered to appoint two or more Overseers indefinitely in Townships or Villages; and in large Parishes it hath been customary for to appoint more than four Overseers, yet such appointment is not held to be bad. *Sess. C. vol. ii. p. 148.*

In the written Appointment of Overseers the words of the Statute, as to the description of them and the Parish, must be followed, or the same may be quashed. *Strange 12, 61.*

Overseers may be appointed on Easter Sunday, the words of the Statute being, *to be nominated yearly in Easter-week*; and that is the first day thereof. *Foley 4.*

Overseers are to be appointed under the hand and seal of two or more Justices dwelling in or near the Parish or Division in Easter-week, or within one month after Easter. If the appointment is after the month is elapsed, it is good, though the Justice by his neglect forfeits five pounds. An appointment of Overseers by the Quarter Sessions may be quashed, as they have no original jurisdiction therein under the Statute. The omission of the word *Division* the Justice is of, in the appointment of an Overseer, doth not vitiate the same, as the words of the Statute in that case are only directory. *Adjudged Cases K. B.*

Justices are impowered to rectify any defects of form, on an appeal, by the 5th Geo. II. *Adjudged Cases K. B. p. 52.*

Churchwardens and Overseers are not liable to pay any arrears due to their predecessors. They must take the remedy given by the Statute. *Ibid. 50.*

Justices cannot compel Overseers to relieve the Poor of the Parish over whom they preside (though Parishioners) when out of such Parish. They must be relieved by the Parish where they are, till such time they are returned to their proper settlement. *Adjudged Cases K. B. p. 31.*

Justices cannot make an Order on the Overseers to relieve impotent Poor, unless they are in the Poor's Rate under Statute 43d Eliz. *Adjudged Cases K. B. p. 21.*

The Parish may appeal at any time against an Overseer's Accounts, though allowed and confirmed, as the Statute is silent as to any limitation of time for the doing such act. *Ibid. p. 85.*

The Churchwardens and Overseers may fix the Poor's Rate by their Discretion; it is not necessary to be by Pound Rate, according to the rent of the house occupied. *Dalton, p. 149.*

Overseers may obtain warrant from Justices to distrain money as well as goods for the Poor's Rates in arrear. If they take or sell more than is due for the arrears, if they

they return the overplus they are justified. *Adjudged Cases K. B. p. 212.*

Cases on Settlements by Apprenticeship.

Two Justices may adjudge a poor person settled where he served his Apprenticeship; but in the Justices Order it must be said, *he was Apprentice.* *Adjudged Cases K. B. p. 30.*

An Apprentice, if his Master removes into another Parish during his time, and he goes with him, gains his settlement in the Parish where he served the remainder of his time. *Ibid. p. 67.*

If an Apprentice, in his Indenture of Apprenticeship, covenants with his Master to live one quarter of a year with his Father, and another with him; if he continued so to do during his whole time, and does not live forty days at a time in the Parish during his Apprenticeship, he gains no settlement in such Parish by the said Indenture. *Ibid. p. 72.*

A poor Person bound Apprentice *voluntarily* to another, and no Justices hands to the Indenture, yet such poor Person gains a settlement in the Parish where he serves his time. It would be otherwise, if he had been put out in a *compulsory way*; for the Statute only extends to a compulsory binding. *Ibid. p. 77.*

An Apprentice bound to a Seafaring-man, always lodged, while with his Master, on shipboard; if such lodging had been by his Master's order, it would have been considered as carrying on his Master's business and doing his duty, otherwise it is no settlement; for to gain one there must not only be an Apprenticeship, but also a Residency, and he only can be deemed a Resident where he lodges. *Ibid. p. 81.*

Justices have no power to discharge an Apprentice from his Master, in case of sickness; their authority is only to enquire into misbehaviour. *Ibid. 88.*

If an Apprentice is bound to a person who only lodges in a Parish during his Apprenticeship, the Apprentice is by such servitude well settled, tho' the Master is not. His settlement don't depend on the Master. He gains it him-

self by 13th and 14th *Car.* II. by forty days inhabitation. *Ibid.* p. 89.

If an Apprentice is turned over during his Apprenticeship, or serves another man, so it is by the consent of his Master, he gains a settlement in the Parish where he served the remainder of his time. *Ibid.* p. 116.

If a Master take an Apprentice, and during the Boy's time the Master runs away, and the Boy hires himself to another for a year, such service gains no settlement, he not being of a capacity to hire himself. It would be otherwise had it been by consent of the Master, or had his Indenture been cancelled. *Ibid.* p. 117.

A person who is an Apprentice gains a Settlement in the Parish where he serves, so it can be proved he lodged forty days therein, though he should run away from his Master before the expiration of his time. *Ibid.* p. 124.

A person bound out Apprentice to another by Indenture, and 5*l.* consideration paid with such Apprentice, if the duty of six-pence in the pound is not paid as directed by the 8th *Ann.* which says, "That if the duty be not paid, the Indenture shall be void to all intents and purposes whatsoever; yet, notwithstanding this Statute, it hath been held that the apprentice gains a Settlement in the parish where he resided with his Master; because the Master had six months to pay the duty in, in which time Apprentice gained a Settlement, which should not be in the power of the Master to defeat, by a matter *ex post facto*. This determination the K.B. have since qualified in this principle: That it was making the Indenture good to one purpose, when this Statute made it void to all intents and purposes whatsoever. They thought it a hard case but could not break through the positive words of the Act. *Strange*, p. 903.

An Indenture of Apprenticeship for a less term than seven years, notwithstanding the 5th *Eliz.* so the person lived with his Master, and served his time, gains a Settlement. *Ibid.* p. 1066.

A Person bound to a Certificate Man cannot by such binding gain a Settlement in the Parish where he resides with his Master; but, if his Master assigns him to another

other Parishioner, and he serves out his time, he thereby gains a settlement. *Str.* p. 1147.

Cases touching Bastard Settlements.

A woman big with Child of a Bastard is removed from the Parish of *A.* to *C.* and is brought to bed in the Parish of *C.* Adjudged that the Bastard Child shall be sent to *A.* notwithstanding it was born at *C.* for the order of removal was compulsory, and they could not help themselves while the order was in force. *Cases Adjudged K. B.* p. 41.

If Officers are carrying a woman big with Child of a Bastard Child, by virtue of an Order of Removal, and she be delivered on the road *in transitu*, the Child shall go with the Mother according to the Order, notwithstanding the Birth. If the woman had come into the Parish by privity and collusion of adverse Officers, the Bastard gains no settlement by its birth. If an order is made for removal, and before it can be served the Bastard is born, it gains no settlement, but must be sent with the Mother according to the Order. *Ibid.* p. 41.

Children of a Certificate-man not born in wedlock, gain a settlement where born. *Strange* 1168.

Cases touching the Settlement of Legitimate Children.

If *A.* and his Wife have gained a settlement in *B.* and have several children there which have no settlement elsewhere; if the Husband dies, and the Wife after his death rents a tenement of 12 *l.* *per ann.* so as to gain a settlement, such Children may be sent to her parish or to the Father's, where he was settled in his life-time. *Cases Adjudged K. B.* p. 59.

If a person marries who has children living by her former marriage, they must be kept by her till seven years of age, and then sent to their father's settlement. *Lord Raymond*, p. 1473.

If a child grown up does not remove with his father, he gains no settlement in the last place his father lived in. *Strange*, p. 438.

Where the father of children is a foreigner, and has no settlement, such children must be sent to their mother's settlement. *Seff. Ca.* vol. ii. p. 113.

Cases touching the Settlement of Women by Marriage:

If a woman marries a foreigner, or a runagate, by whom she can gain no settlement, and he quits her and the kingdom, by which she is left in an impotent state, she may revert to the settlement she had before her intermarriage. *Cases Adjudged K. B.* p. 76, &c.

A woman's legal settlement, on the death of her husband, is the parish where he last gained a settlement. *Seff. Ca.* vol. i. *Case* 105.

Overseers of a Parish procuring a man of another Parish to marry a poor woman belonging to them, in order to ease them of the burthen of keeping such poor woman, doth not vitiate such marriage; but the woman gains a settlement on her husband's parish. *Seff. Ca.* vol. i. p. 265.

Parish Officers are liable to an Information for forcing a marriage. *Ibid.* 176.

Cases touching Settlement by Servitude.

By 3d *Wm.* and *Mary*, a servant must be hired a year, and serve the same, to gain a settlement: If he is hired for one half year, and after that time is expired, is hired for another half year, this hiring will not obtain a settlement; because the original hiring must be for a year. If a man hires a labourer at so much *per* week, it gains no settlement; because he works but six days in a week. If a man hires a servant, and bargains with him that he shall come within a day of *Michaelmas*, and then says he agreed not for a year, yet this contract shall be taken for a year; for this step is an apparant fraud to avoid the Statute: Also, if a man lets his servant go to see his friends for a week, or any other small given time, this is deemed no interruption of the service. *Cases Adjudged K. B.* p. 3.

A poor

A poor man having a daughter, who is married, and has gained a settlement elsewhere, hires himself for a year, and serves the year, such person is deemed a single person within the meaning of the act, though not expressly within the letter; the meaning of the Statute being, that he might not bring any consequential damages to the parish, which under these circumstances he could not possibly do; and therefore entitled to a settlement by virtue of his service, notwithstanding his having a child. *Ibid.* p. 5.

A servant hired for a year, and at the expiration of half a year his Master removes into another Parish, the servant at the expiration of the year, is intitled to a settlement in the Parish where his Master resided the last forty days of his time, under 13th and 14th Car. II. *Ibid.* p. 16.

A person hired to a Parent, where wages are agreed for and paid for one year, entitles him to a settlement in the Parish where the Parent resides. *Ib.* p. 34.

The servant of a lodger, hired for a year, is entitled to a settlement in the Parish where his Master lodges. *Ibid.*

A poor person hired for a year, who before the year expires marries; yet gains a settlement, as a servant is not by the Statute restrained from marrying, though they must be unmarried at the time they are hired. *Cases adjudged K. B.* p. 56.

A poor man hires himself to a Warrener, and lives all the year except eight Weeks, during which time he lies at the lodge; this was held no interruption of the service, the Statute intending only an Identity of Service; therefore, wherever he lived, the last forty days is deemed a settlement within the 14th Car. II. *Ibid.* 57.

The Statute expressly says, 'There must be a *Hiring* and *Service* for one year; and unless that appears, the person gains no settlement.' *Ibid.* 58.

A person lives a year as a hired servant, and after the expiration thereof hires himself at another place by covenant for another year, where he continued the year all but three weeks and then voluntarily parted from his Master. This is not such a service as gains him a settlement in the Parish where his last Master resided. *Ibid.* 63.

A poor person hires himself to a person in the farming business for a year; at the expiration of half a year his Master assigns over his Farm to another; the Servant lives the remainder of the year with the person who took the Farm of his former Master: It has been adjudged a Settlement within the meaning of the Act; because, if a Master commands his servant to live with another for a certain time, it is a service to the first Master; and in this case, there being no new contract, 'tis carrying on the service of the first Master. The subsequent Master paying him his wages, doth not alter the case; for the contract not being destroyed, he might have brought his Action against the first Master. *Ibid.* p. 84.

A poor person hired on a *Saturday*, *Michaelmas-day* being the *Thursday* before, to serve him from the said *Thursday* to *Michaelmas* following—This is not such a hiring as will gain a settlement; because there must be a hiring first, and a service pursuing such *Hiring*. If the Master had hired him from *Michaelmas* to *Michaelmas*, and turned him away a day or two before, in order to defeat his settlement, his service would have been deemed to have continued; and it would have been held a service for a year. *Ibid.* p. 90.—107.

A person hired for a year, and during the time goes, with leave of his Master, to see his Mother for a day, and stays three days; on his return his Master takes him into his service again; such taking is a purgation of his offence, and the service is thereby deemed to continue without interruption. *Ibid.* p. 97.

If a servant, three or four days before his time expires, desires leave of his Master to go to a fair to hire himself into another service, which his Master refuses, and tells him he shall not return into his service if he does:—He goes, and his Master refuses his return, on which he does not return to his Master till his service is expired: This is a settlement notwithstanding; the request of the servant was a reasonable request, and the Law will not suffer a Master to shew any inhumanity to his servant. *Ibid.* p. 98.

A person

A person hires himself to a master to serve him a year; the place where his Master resides is *extra-parochial*; during the year's service he goes with his Master into another part which is *parochial*, where they reside upwards of forty days, and till within that time of the expiration of the year's service. Adjudged by the Court, that he had gained a settlement in the *parochial* place, being the last place he had lived 40 days in. He could not be sent to the *extra-parochial* place, they then having no Officers to receive him. *Ibid.* p. 105.

A poor man gaining a settlement in one Parish, and afterwards is hired by two Partners of a Boat to serve them in the said Boat for one year, which Boat plyed between Goring and London. This is such a kind of service as will not gain him a settlement therefrom. It is the same as if he had served on shipboard. *Fitz.* 255.

A Boy living with a Master for three years as his Livery-servant, without retainer or wages, which Master puts him to a Barber to be taught to shave, and he lived with the Barber in another Parish for one year. The service to his Master for one year, as his Livery-servant, gives him a good settlement, tho' he had no wages, and tho' not hired for any certain time, but at will and pleasure, on the 1st. *Jac.* II. His living with the Barber makes no settlement; for he was there only for his education, and was not under any obligation to serve the Barber. *Comb.* 445.

A Person is hired to a Master for a year, and during the time marries; this doth not disturb the service, the Statute directing only that he shall be unmarried at the time of hiring himself. 2 *Salk.* p. 527, 528.

A Person being a hired servant during a whole year, is hired from week to week; then is hired for a year, and serves one week thereof. This is no settlement for want of a continuance in the service forty days after the second hiring. *Lucas's Cases in Law and E.* p. 287.

A Conditional Hiring, *viz.* a Person to stay three months, and, if the Master and he liked, to stay a year, and have 3*l.* wages. The Person stayed the year, received his wages, and this was adjudged a Settlement. *Str.* p. 950.

A Certificate

A Certificate Man has a Son born in the Parish to which he was certified, who, when sixteen years old, hires himself as a servant to a Button-maker in the same Parish, and serves a year. This gains him no Settlement, as he is equally within the meaning of the 9th and 10th Wm. III. with his Father; which declares, "That no person or persons, who come in by certificate, shall be adjudged to gain a Settlement by any Act whatsoever, except he takes 10*l.* per annum, or executes an annual Office." *Str.* p. 1165.

Cases touching Settlements, by continuing in a Parish forty Days after Notice, paying Rates, &c.

The forty days Inhabitation, in order to constitute a Settlement, need not be altogether; but there must be notice, and nothing will amount to notice in writing, so as to make a Settlement, that is not specified in the 3d and 4th Wm. and Mary. *Salk.* p. 476.

A poor Man being rated in the Parish-books to the Poor, doth not gain him a Settlement, unless he actually pays such Poor's Rate out of his own pocket. *Seff. Ca.* vol. ii. p. 122.

If a poor Man pays the Poor's Rate, yet if he is not rated in the Parish-books, he gains no Settlement, because the Settlement arises from the evidence of the Parish being satisfied of his ability. *Str.* p. 1023.

A Person paying the *Land-tax* gains a Settlement. *4 Mod.* p. 331.

A Parish Clerk, tho' chosen for life, yet if he becomes poor, and hath continued a year in his Office, gains a Settlement. *Cases adjudged K. B.* p. 48.

The executing a *Public Annual Office* belonging to a Parish, as well as a *Parochial one*, for one year, (whereto the party is duly chosen), gains him a Settlement in such Parish. *Str.* 411.

A Certificate-Man, executing the Office of Constable, gains a Settlement in the Parish where he executed such Office; but he must be sworn into the same, the words of the Statute being, *He who executes an annual Office in the Parish.* *Str.* p. 1014.

A Person

A Person renting a Mill of 10*l.* *per ann.* gains a Settlement. It matters not whether it is a House or any other Thing; it is the ability of the party to pay 10*l.* *per ann.* that is the foundation of the Settlement. *Str.* p. 678. *Seff. Ca.* vol. ii. p. 166

A Person renting 10*l.* *per ann.* lying in two Parishes, shall, by such holding, gain a Settlement in the Parish where he lives. *Seff. Ca.* vol. i. p. 115.

A mere reservation of an annual rent of 10*l.* *per ann.* is not sufficient to gain a Settlement; it must be proved, if necessary, that the house or land was of that yearly value; but if not shewn in evidence, the Court will presume the same. *Str.* p. 1156.

A Certificate-Man who rents a House of 10*l.* *per ann.* lying in two Parishes, gains a Settlement, by such holding, in the Parish where the lodging-room he sleeps in of such House lies. *Str.* p. 529.

Cases touching Settlements by holding Estates in a Parish.

A Person having an Estate in Fee in a Parish, leaving three children, *viz.* a Boy and two Girls: The Boy, as tenant in fee, on the death of his parents, becomes intitled to a Settlement in the Parish where such Estate lies in right thereof. *Str.* 1131.

A Term for ninety-nine years, at 5*s.* *per ann.* gives the possessor, when poor, a Settlement in the Parish where such Estate lies: so does a Copyhold Estate. An Assignee of a Term of ninety-nine years, at 1*s.* *per ann.* hath been held by such Assignment to have gained a Settlement in the Parish where the Premises lie. *Str.* p. 983.

A Man having such a possession in an Estate as he cannot be removed from, and having held the possession thereof forty days; he thereby gains a Settlement; on which principle it is that a Copyholder, or Lessee for years, gains a Settlement by an Inhabitaney for forty days. *Seff. Ca.* vol. ii. p. 115.

A Certificate-Man having a Freehold, Copyhold, or Leasehold Estate come to him by descent, thereby gains a Settlement. *Str.* p. 163.

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The same, if he purchases an Estate. *Seff. Ca. vol. i. p. 316.*

A person settled in *A.* and afterwards an estate falls to him in *B.*; this will not enable the Parish of *A.* to remove him thither: if he has been settled in *B.* he would have been irremovable. *Str. p. 476.*

A man may gain a settlement by living forty days on his own Estate, tho' he afterwards sells the said Estate. *Str. p. 1116.*

Bond to indemnify the Parish concerning a Bastard Child. } *KNOW all Men, by these Presents, that we J. G. and L. R. of, &c. are held, and firmly bound unto F. K. of, &c. and J. L. of, &c. (in trust for the Parishioners of the said Parish) in 100l. of good and lawful money, &c. to be paid to the said F. K. and J. L. or their certain Attorney, their Executors, Administrators, or Assigns. To which payment well and truly to be made we bind ourselves, and each of us, jointly and severally, and our, and each, and every of our Heirs, Executors, and Administrators, firmly by these Presents, sealed with our seals, dated the 4th day of January, in the 13th year of the reign of our Sovereign Lord George the Third, of Great Britain, France, and Ireland, King, Defender of the Faith; and so forth; and in the year of our Lord 1773.*

The *CONDITION* of this Obligation is such, That Whereas *E. P. of, &c. single woman*, hath in and by her voluntary Examination taken in writing, and on Oath before *K. G. one of His Majesty's Justices of the Peace in and for the said County of*, declared that she is with child; and that the said Child is likely to be born a Bastard, and to be chargeable to the said Parish of , and that the above-bounden *J. G.* is the Father of the said Child, (If it is after the Birth, then say, That whereas *E. P. of, &c. single Woman*, in her Examination taken in writing on Oath before me, *K. G. one of His Majesty's Justices of the Peace in and for the said County*, hath declared that, on the Day of now last past, at in the Parish of in the County aforesaid, she the said *E. P.*

E. P. was delivered of a (Male or Female) Bastard-child, and that the said Bastard-child is likely to become chargeable to the said Parish of _____, and hath charged the above-bound J. G. with having got her with child of the said Bastard-child) If therefore, the said J. G. and J. L. or either of them, their, or either of their Heirs, Executors, or Administrators do, and shall from time to time, and all times hereafter, fully and clearly indemnify and save harmless, as well the above-named Churchwardens and Overseers of the Poor of the said Parish of _____ and their successors for the time being; as also, all and singular the other Parishioners and Inhabitants of the said Parish of _____, which now are, or hereafter shall be, for the time being, of and from all manner of costs, taxes, rates, assessments, and charges whatsoever, for or by reason of the birth, education, and maintenance of the said Child, and of and from all actions, suits, troubles, and other charges and demands whatsoever, touching or concerning the same; that then this present Obligation to be void, otherwise to remain in full force.

Sealed and delivered, &c.

J. G. (L. S.)
L. R. (L. S.).

CITIES, TOWNS, and PARISHES, that have obtained particular Acts of Parliament for provision of their Poor.

Canterbury. stat. 1 G. 2. ft. 2. c. 20.
Gloucester. stat. 13 G. 2. c. 19.
 Hanover-Square. stat. 26 G. 2. c. 97.
 Martin, (St.) in the Fields. stat. 23 G. c. 35.
 St. Mary le Bone. stat. 29 G. 2. c. 53.
 Mortality (within the bills of) stat. 7 G. 3.
 Oxford. stat. 11 G. 3. c. 14.
 Westminster. stat. 25 G. 2. c. 23.
 ——— stat. 2 G. 3. c. 58.
 Worcester. stat. 2 Ann. c. 8.

CITIES, TOWNS, and PARISHES, that have obtained particular Acts of Parliament for the Establishment of Work-houses.

Bishopsgate-street, commonly called the London Work-house, statute 13 & 14 C. 2. c. 13.
 Bristol. stat. 7 & 8 W. 3. c. 32.
 Canterbury. stat. 1 G. 2. stat. 2. c. 20.

Gloucester

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Gloucester. stat. 13 G. c. 19.

London. stat. 13 & 14 C. 2. c. 12.

Worcester. stat. 2 Ann. c. 8.

Parishes wherein Settlements are not gained by Residence.

A.

Ann's, (St.) Westminster, no Settlement gained in that Parish, by 9 G. 2. c. 19.

Nor in St. Andrew's Holborn, by 10 G. 2. c. 25. 20 G. 2. c. 33.

B.

Bartholomew, (St.) London, no Settlement gained in that Parish, by 24 Geo. 2. c. 37. Nor by 28 G. 2. c. 37.

C.

Christ Church, Middlesex, no Settlement gained in that Parish, by 11 G. 2. c. 35.

Nor in Covent-Garden, by 9 G. 2. c. 13.

G.

George, (St.) Southwark, no Settlement gained in that Parish, by 23 G. 2. c. 36.

Nor in the Parish of St. George, Hanover-Square, by 26 G. 2. c. 27.

H.

Hatton-Garden, 10 G. 2. c. 25.

Hanover-Square, no Settlement gained there, by 8 G. 2. c. 15.

I.

John (St.) Westminster, no Settlement gained in that Parish, by 9 G. 2. c. 17. Nor by 25 G. 2. c. 23.

Nor in St. John's, Southwark, by 23 G. 2. c. 18.

Nor in the parish of Islington, by 24 G. 2. c. 15.

Nor in St. John's, Wapping, by 29 G. 2. c. 87.

Liverpool Town, Lancaster, no Settlement gained there, by 21 G. 2. c. 24.

M.

Martin (St.) in the Fields, no Settlement gained in that Parish, by 9 G. 2. c. 8.

Nor in St. Margaret's, Westminster.

Nor

REGISTER of the APPRENTICES placed out by the Parish of _____ from the
of _____ to the 31st Day of *December* _____ according to the Acts of Parliament of the Second and
Seventh of His present Majesty King GEORGE the Third.

[illegible]

ANNUAL REGISTER of the PARISH POOR CHILDREN, until Apprenticed out, from the

Day of _____ to the 31st of *December* _____ of the Parish of _____ (where there is not a Workhouse or Parish-house) according to the Acts of Parliament of the Second and Seventh of His Majesty King GEORGE the Third.

[illegible]

ANNUAL REGISTER of the PARISH POOR CHILDREN, until they are Apprenticed out from the
Day of to the 31st Day of *December* of the Parish of
(where there is a Workhouse or Parish-house) according to the Acts of Parliament of the Second and Seventh of His
Majesty King GEORGE the Third.

[illegible]

An ABSTRACT of the ANNUAL REGISTERS of PARISH POOR of the BILLS of MORTALITY,
from the Birth until Apprenticed out.

The Names of Parishes, and where situated.	Number transferred from the preceding Year.	Born in the Work-house or Parish-house.	Received into the Work-house or Parish-house.	Total born and received.	Of whom were under these Ages.	Of whom were.	Number with whom Money was received.	Money.		Died under the Care of Nurseries in a Workhouse or Parish-house.	Died under the Care of the Mother in the Workhouse or Parish-house.	Died under the Care of the Mother in the Workhouse or Parish-house.	Of whom died under these Ages, nursed by Mothers and Nurseries.	N. B. As many as were nursed within Five miles of London, mark L.	Removed, passed, and discharged, to their Friends, Fathers, or Mothers; if delivered to the Mother, mark M.	Remain alive in the Workhouse or Parish-house.	Of whom were under these Ages	Died in the Country under these Ages.	Total died in the Country.	Remain alive in the Country.	Born under the Care of the Parish, but not in the Workhouse or Parish-house.	Apprenticed out, or put out to Service.
								Sum received with Children.	Rewards paid to Nurseries as an Encouragement to take all possible Care of the Children.													
						Legitimate.		l.	s.	d.			Three Months.					Six Years.				
						Calver.							Two Years.					Two Years.				
						Illegitimate.							Eighteen Months.					Eighteen Months.				
						Foundlings.							Twelve Months.					Twelve Months.				
						Above Four Years.							Six Months.					Six Months.				
						Four Years.							Two Years.					Six Years.				
						Three Years.							Six Months.					Two Years.				
						Two Years.							Six Months.					Six Months.				
						Eighteen Months.							Six Months.					Six Months.				
						Twelve Months.							Six Months.					Six Months.				
						Nine Months.							Six Months.					Six Months.				
						Six Months.							Six Months.					Six Months.				
						Three Months.							Six Months.					Six Months.				

O V E R S E E R S.

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Nor by 25 G. 2. c. 23. Nor by 9 G. 2. c. 17.
Nor in St. Margaret's, Norfolk, by 18 G. 2. c. 3.
Nor in the parish of St. Mary le bone, Middlesex, by
29 G. 2. c. 53.

N.

Newington Butts, St. Mary, no Settlement gained in that
Parish, by 29 G. 2. c. 42.

O.

Olave's, (St.) no Settlement gained in that Parish, by
29 G. 2. c. 18.

P.

Portland Island, no settlement gained there, by 29 G. 2.
c. 75.

Nor in St. Paul's, Shadwell, by 29 G. 2. c. 87.

R.

Ratcliffe, no Settlement gained there, by 29 G. 2. c. 87.

S.

Shadwell, no Settlement gained there, by 29 G. 2. c. 87.

W.

Wellclose, no Settlement gained there, by 29 G. 2. c. 87.

To the B I N D E R.

Table of the Annual Register of the Parish Poor Chil-
dren to be placed here.

C O N -

C O N S T A B L E.

The nature of the Office; and how appointed.

IT is an office of great antiquity, as appears by the laws made in king *Alfred's* and *Edward III's* time. Free-men were then ordered to dispose themselves into *Decennaries* and *Hundreds*, and every ten Freeholders chose an annual officer called a *Constable*, &c. as head over the *Decennary*. In every Hundred where there was a feudal Lord, or Lord of the Manor, they were sworn in, and admitted to their office by the Lord, or his Steward, at his Court-Leet. If no Manor in the district, it was the duty of the Sheriff, in his *torn*, to swear and appoint them; and where there was no Manor in the Hundred, an annual Officer was chosen by the Sheriff to preside over the whole Hundred, called a *High-constable*. When the Hundred was a Manor, the Lord executed the office himself. 4 *Inst.* p. 267.

At this time the office of Constable is distinguished only by the name of *High* and *Petty Constable*, viz. *High-constable* for the Hundred, and *Petty Constable* for a Parish, Precinct, &c. and are elected by the respective Hundreds or Parishes, and sworn in at the Court-Leet, or at the Sessions.

The Headborough and Tythingman are subordinate officers to the Constable, appointed by the Parish to aid the Constable in his Duty, and sworn in in the same manner as the Constable; tho' their power is not so extensive as the Constables, unless where there is no Constable, and there their power and office is equal.

Constables, how chosen in LONDON.

They must be Freemen of the City, and are nominated by the Inhabitants of the Precinct or Ward on *St. Thomas's Day*, confirmed or disallowed at the next Wardmote, and afterwards sworn into such office at the Court of Aldermen on the *Monday* ensuing *Twelfth-day*.

Their

Their peculiar Duty, exclusive of what is enjoined by the Statutes.

They are to keep the King's Peace in their respective Wards.

To search for all Nuisances therein.

If required, they are to assist the Beadle and Raker in collecting the Scavengers Salaries and Quarterage.

To present to the Mayor and Aldermen all defaults relating to the City Laws.

They are to certify in the Mayor's Court, every month, the names and surnames of all Freemen deceased; and also of the Children of Freemen being Orphans.

They are to certify the name, surname, place of dwelling, profession, and trade of every person who shall be just come into the Ward, and keep a roll thereof; for which purpose they are to enquire, once a month into, what persons are come into the said Ward; and if such persons are found to be ejected from any other Ward for any misdemeanor, and refuse sureties for their good behaviour, they are to give them and their Landlords warning that they depart; and on refusal, they may be imprisoned, and the Landlords fined a year's rent.

They are in their respective Wards to attend the Watch by turns, every night, and to go the rounds, and to be paid for the same according to the custom of the city.

They are to certify to the Mayor and Common Council any Person who interrupts them in the execution of their duty.

In London, a Constable is not only a Constable within his Precinct, but over all the Ward and City.

The Court of Common Council are yearly to meet on the 1st of September, to appoint Night Constables, &c. and to assess the Inhabitants to bear the charge thereof.

They are to keep watch and ward from the 10th of September to the 10th of March, from nine at night till seven in the morning; and from the 10th of March, from ten to five o'clock in the morning.

Note, For any misbehaviour they are to forfeit 40 s. to be levied by distress on their goods. The offence

to be determined by the Lord Mayor or two Aldermen. *Stat. 10th Geo. II.*

Constables are to place the City Arms over their doors; and if they live in alleys, at the end of the same towards the street.

How chosen in WESTMINSTER.

They are appointed by the Dean or High Steward of Westminster at a Court-Leet, held on *Tuesday* next after *Michaelmas-day*, in every year, from the Inhabitants (except Alehouse-keepers, Victuallers, &c. or Retailers of spirituous liquors.) *Stat. 29 Geo. II.*

Persons refusing to serve the office of Constable, when appointed, to forfeit 8*l.* *Same Stat.*

Persons not liable to serve the Office of Constable.

Attornies of the King's Courts.

The President of the Commonalty and Fellowship of Physic in London, and the Commons and Fellows of the same, not liable in the City of London or Suburbs thereof. *Stat. 32d Hen. VIII.*

The Wardens and Fellowship of Surgeons infranchised in London, and all Barber Surgeons admitted and appointed according to the Statute made in that behalf, not exceeding twelve, discharged of Constableness, Watch, &c. *Stat. 5 Hen. VIII.*

Persons using the art of an Apothecary, who have been brought up and served as Apprentices in the same for seven years, according to *Stat. 5th Eliz. Stat. 6th Wm. and Mary.*

Dissenting Teachers. *Stat. 1st Wm. and Mary.*

All other Persons dissenting from the established Church may appoint a sufficient deputy. *Same Stat.*

Militia-men, Prosecutors of Felons, Idiots, Poor, old, and sick Persons, are exempted. *Stat. 6th and 7th Wm. III. and 2d Geo. III.*

How

How these Offices are regulated by the several Statutes made concerning the Office of Constable, viz.

On Death or Removal.

THAT in case any Constable, Headborough, &c. shall die or go out of the Parish, any two Justices may make and swear a new Constable, &c. until the Lord of the Manor shall hold a Court, or till the next Quarter Sessions, who are to approve of the said Officers so made and sworn as aforesaid, or appoint others as they shall think fit; and if any officer shall continue above a Year in his Office, then the Justices in their Quarter Sessions may discharge such Officer, and put another fit person in his place, until the Lord of the Manor should hold a Court for that purpose. *Stat. 13th and 14th Car. II.*

Note, The Quarter Sessions have a power to remove all Constables from their Office on a sufficient cause.

Constables how protected in doing their Duty.

If any Action is brought against them for any matter or thing done by them, by virtue of their Office, they, and also all other persons aiding or assisting by their command in the doing thereof, may plead the *General Issue*, and give the special matter in evidence; and if they recover on such Action, they shall have double costs. *Stat. 7th Jac. I.*

Where Action brought against a Constable for executing a Warrant must be laid.

An Action brought against a Constable, Headborough, or Tythingman, for any matter done by virtue of their office, must be laid in the County where the fact was committed, and not elsewhere. *Stat. 21st Jac. I.*

No Action to be brought against a constable, or Persons acting under him, till a Demand and Refusal hath been made six Days of the Perusal and Copy of that Warrant he or they acted under.

No Action to be brought against any Constable, or other person acting by his order, and in his aid, for any thing done in obedience to the Warrant of a Justice of the Peace, until demand hath been made or left at the usual place of his abode by the party, or by his Attorney, in writing, signed by the party demanding the same, of the perusal and Copy of such Warrant, and the same hath been refused or neglected for six days after such demand: and if, after compliance therewith, any such Action shall be brought, without making the Justice who signed such Warrant, Defendant; on producing and proving such Warrant at the trial, the Jury shall give their verdict for the Defendant, notwithstanding any defect of jurisdiction in the Justice. And if such Action be brought jointly against the Justice and Constable, on proof of such Warrant, the Jury shall find for the Constable, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict be given against the Justice, the Plaintiff shall recover his costs against him, to be taxed in such manner by the proper Officer, as to include such costs as the Plaintiff is liable to pay to such Defendant for whom such verdict shall be found as aforesaid. *Statute 24th Geo. II.*

Note, by the above Statute no Action is to be brought against any Constable but within six months after the act is committed.

Constables executing a Justices Warrant of Distress have a Right to deduct their reasonable Charges.

The Constable executing a Justices Warrant for levying a Penalty, or other sum of money directed by any Act of Parliament, by distress, may deduct his reasonable charges, in taking, keeping, and selling the goods distrained, returning the overplus on demand, after such penalty or sum of money and charges deducted. *Stat. 27th Geo. II.*

How

How Constables are to be reimbursed their Charges of conveying an Offender to Gaol under a Justice's Warrant, when the Offender has Effects.

Every person who shall be committed to the common or usual Gaol within any County or Liberty, by any Justice of the Peace, for any offence or misdemeanor, the said person so to be committed, having means or ability thereunto, shall bear his own reasonable charges for so conveying or sending him to the said Gaol, and the charge also of such as shall be appointed to guard him to such Gaol, and shall so guard him thither; and if any such person so to be committed shall refuse, at the time of his commitment and sending to the said Gaol, to defray the said charges, or shall not then pay or bear the same, then such Justice shall, by writing under his hand and seal, give Warrant to the Constable of the Hundred, or Constable of the Township, where such person shall be dwelling and inhabit, or from whence he shall be committed, or where he shall have any goods within the County or Liberty, to sell such and so much of the goods and chattels of the said person so to be committed, as, by the direction of the said Justice, shall satisfy and pay the charges of such his conveying and sending to the said Gaol. The Appraisement to be made by four honest inhabitants of the Parish where such goods shall be, and the overplus to be delivered to the party. Stat. 3^d Jac. I.

Where the Offender hath no Effects.

When any person, not having goods or money in the County where he is taken sufficient to bear the charges of himself and those who convey him, is committed to Gaol, or to the House of Correction, by Warrant from a Justice; then, on application by the Constable, or other officer who conveyed him to any Justice for such County or place, such Justice shall, upon oath, examine into and ascertain the reasonable expences, and shall, without fee, by his Warrant, order the Treasurer to pay the same; which the Treasurer is required to do as soon as he receives such Warrant. Stat. 27th Geo. II.

Complaints between Master Clothiers and their Servants, cognizable by the High Constable.

That every Constable of a Hundred, and every Steward keeping Wapentake or Leet out of any City or Borough, shall have power to hear and determine the complaints of any Clothmaker, Carder, Spinster, and all other labourers in the Manufacturing of Cloth, by examination of parties, to commit the Offenders to the next Gaol within the County, till the duties, forfeitures, and damages incurred be paid. *Stat. 4th Ed. IV.*

High Constable's Power to search for Ropes for stretching Cloth and to seize the same.

He may enter any place for this purpose, and if he finds any, he is to destroy them; if they are afterwards used by the Owners, he may again seize and sell them, and distribute the money to the Poor; and if any person obstructs him in his duty, to forfeit 10*l.* *Stat. 39th Eliz.*

High Constable to bestow the Monies assessed on the Parish for Relief of Prisoners, to the Collectors appointed by the Sessions.

The Monies assessed on any Parish for the Relief of Prisoners to be paid to the High Constable, and by him paid over to the Collector appointed by the Quarter Sessions, under penalty of 5*l.* *Stat. 14th Eliz.*

They are also to pay the Monies received in King's Bench and Marshalsea, under penalty of 20*s.* and that for relief of maimed Soldiers and Mariners, on pain of 40*s.* *Stat. 43d Eliz.*

Constables, their Reward for apprehending Vagrants.

If any Constable, &c. shall apprehend and convey a Rogue or Vagabond, the Justices is to reward such Constable, by making an order under his hand and seal on the High or Chief Constable, to pay him the sum of 10*s.* within one week after demand, producing order and giving receipt for the same. *Stat. 17th Geo. II.*

High Constable's Duty in collecting and paying the Monies raised for the Poor.

Monies raised for the Poor by a General County Rate, are to be collected by the High Constable of the Hundreds.

That collected by the Churchwardens and Overseers of Parishes are to be paid to the High Constables in thirty days after demand, or levied on them by distress, &c. by Warrant of two Justices. *Stat. 12th Geo. II.*

How to be paid by them.

They are to pay the same to the Treasurers appointed by the Justices, and to be used in such manner as the Justices at their Sessions shall direct. High Constables not accounting to Justices for such Money, to be committed to Gaol till they do.

Note, No part of this Money is to be applied to the repair of any Bridges, Gaols, or Houses of Correction, till the presentment made thereof by the *Grand Jury* at the Assizes or Quarter Sessions.

Persons aggrieved how to be redressed.

Appeals may be brought to the next Session against any Rate made on any particular Parish where they are over-rated. *Same Stat.*

High Constables Duty as to Jurors.

On receiving Warrants from the Justices, they are to summons the Petty Constables to meet, and prepare lists of persons qualified to serve on Juries. *Stat. 4th of Wm. and Mary.*

On receiving the lists from the Petty Constables they are to deliver them to the Quarter Sessions. *Stat. 3d Geo. II.*

If he fails to summon the Petty Constables, he forfeits 10l. *Stat. 3d and 4th Ann.*

Petty Constables Duty in summoning Persons to serve on Juries.

They must deliver correct lists on oath, of all persons qualified within their respective parishes to serve on Juries, and in such lists they must be careful to insert the Christian and surnames, occupation and place of abode, of such persons so returned, to enable the Sheriff's Officers to summon them.

On the Coroner's Warrant they must summon competent persons to sit on a Jury for discovery of Murder, Chance Medley, &c.

Penalty on Constables not delivering to Churchwardens, &c. Poor's Moiety of Forfeiture for selling Ale in an unlicensed House.

If he does not deliver the Poor's Moiety, being 6s. 8d. per barrel for selling Ale in an unlicensed house, to the Churchwardens, or they do not distribute same, both to forfeit double the value, Stat. 4th Jac. I.

Penalty for not levying the Forfeiture for short Measure.

If he does not levy 20s. on Alehouse-keepers for selling less than measure, to forfeit 40s. to the use of the poor: If no distress, to be committed. Selling in unmarked vessels, &c. incurs a forfeiture of not above 40s. nor under 10s. one moiety to the Informer, the other to the poor. Stat. 11th and 12th Wm.

Penalty for not levying the Forfeitures for Tippling.

Not levying 10s. on Alehouse-keepers for suffering persons to sit tippling, *ut supra*. Stat. 1st Jac. or not levying 3s. 4d. on persons convicted thereof, to forfeit 10s. Same Stat.

Note, Those forfeitures are to be levied by virtue of a Justice's Warrant.

Penalty

Penalty on Persons refusing to give Evidence of these Forfeitures.

Persons refusing to give evidence on oath before a Justice, of any person suspected of selling ale, beer or other liquors, without Licence, to forfeit 10 l. to be levied by distress, &c. and to be paid to Overseers of the Poor, Stat. 26th Geo. II.

Penalty on Persons selling Ale, Beer, or other Liquors, without a Licence.

Such Persons are to forfeit for the first offence 40 s. for the second 4 l. for the third, and every other, 6 l. to be levied by distress, &c. one moiety to the Informer, the other to the Overseers for the use of the Poor; and in default of distress, to be committed for one month for the first offence, two months for the second, and for the third till discharged by order of the Court of General Quarter Sessions. Same Stat. and 28th Geo. II.

High Constables and Petty Constables, how to be governed.

The High Constable is to obey the Orders of the Court, and the Petty Constable is to assist the High Constable therein, under the penalty of being amerced by the Court Stat. 31st Geo. II.

Fines imposed on the High Bailiff for default in his duty under this Statute, are to be levied by the High Constable by distress, &c. Same Stat.

Penalty on Constable for not levying the Penalty on Persons keeping Alehouses without Licence.

If he does not levy the penalty imposed by the Act, being 20 s. or if no distress to whip the party, he is to forfeit 40 s. or to be committed till the Alehouse-keeper is punished. Stat. 1st Jac.

Constables

Constables Duty with respect to Artificers about to quit the Kingdom.

The Constable is to bring the party before a Justice by Warrant; that he may be bound over to give security not to depart the realm. *Stat. 5th Geo.*

Constables Power to prosecute Persons keeping Bawdy-Houses.

On information of two inhabitants paying Scot and Lot, which is to be in writing, of any body keeping a Bawdy-house, Gaming-house, or any other disorderly house in such Parish, he is forthwith to go with them before a Justice; and on their making oath that they believe the same to be true, and entering into a recognizance of 20*l.* each, to produce material evidence against such person for such offence, he is to enter into a recognizance of 30*l.* to prosecute with effect such persons for such offence; he shall be allowed all reasonable expences of such prosecution, to be ascertained by two Justices, and paid by the Overseers of the Poor. *Stat. 25th Geo. II.*

Penalty on Constable refusing to comply.

If a Constable refuses, or is guilty of any wilful negligence therein, he shall forfeit 20*l.* to each inhabitant so giving notice. *Same Stat.*

Note, Persons who are Parishioners, or who have entered into such recognizance, may be evidence for the Plaintiff or Defendant.

Constable's Duty as to repairing decayed Bridges.

It is a Constable's duty, where a common Bridge is in decay, and it is not known who are to repair the same, to assemble two of the most able Inhabitants in the Parish, and make an assessment to repair the same, and four Justices are to allow it. *Stat. 22d Hen. VIII.*

Note,

Note, Justices at their Sessions, on same being presented, may assess every Town, Parish, &c. in proportion; towards the reparation thereof; which assessment is to be levied by the Constable, Headborough, &c. by distress, &c. if not paid in ten days, and when paid, to be remitted to the Treasurers. *Stat. 1st Ann.*

Constables to levy the Penalty for selling bad butter.

The sellers of bad Butter are liable to the penalty of 20s. to be levied by the Constable. *Stat. 13th and 14th Car. II. and 4th and 5th Wm. and Mary.*

To levy the Penalty on Taylors making Buttons or Button-holes, with Cloth.

If any Taylor makes cloaths with cloth or Stuff-button or Button-holes, he is to forfeit 40s. per dozen, and so is the Weaver of such cloaths. *Stat. 4th and 7th Geo.*

To levy the Penalty on Persons wearing Cambrick or Lawn.

Any person wearing Cambrick or French Lawn in any garment or apparel, are to forfeit to the Informer 5l. for every offence, to be exhibited on oath within six days after the fact committed, to be levied by the Constable on the Party's goods. *Stat. 18th and 21st Geo. II.*

Constables Duty as to providing for Soldiers on the March.

The Justice is to issue out orders to the Constable to provide carriages on the marching of Soldiers, which he must comply with, and to be allowed by the Officer 1s. per mile for a waggon with five horses, or a wain with six oxen, or four oxen and two horses, and 9d per mile for a cart; and so in proportion. *Stat. 2d Geo. III.*

Officers obliging Constables to provide saddle-horses, forcing horses from owners, &c. or making a carriage travel more than one day, or not discharging same in due time, or suffering the Soldiers or Servants (except sick)

or

or women to ride in the waggon, &c. to forfeit 5 *l.* *Stat.*
2d Gro. III.

If the Constable refuses to execute the Justices's orders, or any other person hindering the execution of these orders, to forfeit a sum not exceeding 40 *s.* nor under 10 *s.* to the Poor. *Same Stat.*

If the Constable is at a greater charge than what is before allowed for providing carriages, he is to be reimbursed by the Treasurer of the County, by order of the Justices at their Quarter Sessions, without fee or reward. *Same Stat.*

No Waggon is obliged to carry above thirty hundred weight. *Same Stat.*

Constables Right to seize Cattle, &c. imported from Ireland.

Constables, Tythingmen, &c. may take and seize all cattle, sheep, swine, beef, pork, bacon, &c. brought from Ireland, and cause the cattle to be killed in six days after conviction of the offence: the hides and tallow shall be the property of the seizer, and the remainder to the Churchwardens, &c. for the use of the Poor of the Parish where imported or found. *Stat. 18th, 20th, and 32d Car. 2.*

Constables, &c. not giving notice in six days after conviction to Churchwardens, &c. or not distributing the same as aforesaid, to forfeit 40 *s.* for every one of the great cattle, and 10 *s.* for the small, half to the Poor, and the other to the Informer, to be committed to Gaol for three months. *Stat. 32d Car. II.*

If the Cattle are found alive, in any other Parish after seizure, they are liable to a second seizure; and if any other cattle with them, such cattle liable to be forfeited. *Same Stat.*

Persons whom the Constable is to assist in the Execution of their Duty.

They are (on request) to aid and assist the Wardens and Assistants of Weavers of Norwich Stuffs in the City of

of Norwich and County of Norfolk, in regulating that part of the Clothing Trade. *Stat. 13th and 14th Car. II.*

They are to assist the Precedent, Wardens, &c. for regulating of Kidderminster Stuffs in the Borough of Kidderminster. *Stat. 22d Car. II.*

Constables to levy the Penalty incurred by embezzling any Woollen Materials.

If any Person embezzle any Woollen Materials, &c. they are to forfeit double value, or be sent to the House of Correction, and there whipped and kept to hard labour for fourteen days; for the second Offence, to forfeit four times the value, and to be levied by the Constable, &c. *Stat. 13th Geo. II.*

By a Justice's Warrant, they are to search for Cloth taken away in the night from tenters, and Yarn or Wool left out to dry, and levy a forfeiture of treble value on the offenders. *Stat. 15 Geo. II.*

They are to levy the Forfeitures incurred by any Defect in the Coal Measures.

They are to levy all Forfeitures incurred by any defect in the Coal Measures; and such as do not exceed 5 *l.* are to be levied by distress; one moiety to the Informer, the other to the Poor; and if no distress, the offender to be committed to hard labour for not more than 30, or less than 14 days. *Stat. 19th Geo. II.*

They are to levy Fines imposed on Persons present at unlawful Conventicles.

They are required to levy Fines imposed on such as are found at unlawful Conventicles, by Warrant under the hand of one or more Justices. *Stat. 22d Car. II.*

If they know or are informed of such unlawful Meetings within their Precinct, and do not inform some Justice or chief Magistrate thereof, so as the Party may be convicted, they are to forfeit 5 *l.* *Same Stat.*

On information of these Meetings, he with assistance, by Warrant (on refusing to let him enter) may break open doors, and enter into any house or place where

such

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such Meeting is, and take the parties assembled into custody. *Same Stat.*

Note, The houses of Peers are not liable to be searched under this Statute, nor Protestant Dissenters. *Stat. 1st Wm. and Mary.*

If sued for any act done under this Statute, the Party may plead the *General Issue*, and give the special matter in evidence, and recover treble costs. *Stat. 22d Car. II.*

They are to levy the Forfeitures inflicted on Curriers for not currying their Leather sufficiently.

If Curriers do not curry Leather sent in within sixteen days between *Michaelmas* and *Lady-day*, and in eight days at other times, they forfeit 5*l.* which is to be levied by the Constable, by Warrant from a Justice. *Stat. 12th Geo. II.*

They are to assist the Crown Officers in collecting the Duties on Goods and Merchandizes.

On request, they are to assist persons having Warrants from the Lord Treasurer, Barons of the *Exchequer*, or chief Magistrates of Ports, to search for goods that have not paid Duty. They may enter into any house in the day-time on this duty, and if resisted, break open doors: the breaking open doors must be within one month after offence committed. *Stat. 12th Car. II.*

They may take up any person lurking about the sea-coasts, suspected to be concerned in running goods, and carry them before a Justice. If he does not give a good account of himself, to be committed to the House of Correction for a month; and the Constable is to receive for every offender he takes 20*s.* *Stat. 9th Geo. II.*

They are to levy the Penalties on the Deer Acts.

The Penalties on Deer-stealers are to be levied by them, by Warrant from a Justice; and they may detain offenders two days if they do not pay the forfeitures down, on conviction, until a return be made of the Warrant of Distress. *Stat. 13th Car. II.*

The forfeitures are 20*l.* for coursing or hunting Deer in any Park or place inclosed, and 30*l.* for every Deer taken,

taken, wounded, or killed; one third to the Poor, another to the Informer, and another to the Owner of the Deer. *Stat. 13th Car. II. and 3d and 4th Wm. and Mary.*

They may enter suspected places, and carry away the venison, skins, toils, &c. by Warrant from one Justice; and likewise carry the Party before a Justice to give an account of himself.

Their Duty as to Riots.

They may take up a Person suspected of Desertion, and carry him before a Justice; and if he appears to be a listed Soldier, the Justice shall commit him to the County Goal, and give an account to the Secretary at War; 20 s. reward for apprehending him is to be paid by the Collector of the Land-Tax, on Warrant from the Justice for that purpose. *Stat 2d and 4th Geo. III.*

They are to assist the Excise Officers in their Duty.

In entering the houses of Distillers; to seize unlawful Stills; and they are to levy the Penalties for setting up any private Still, Tun, Pipe, &c. by Warrant from a Justice. *Stat. 3d and 4th Wm. and Mary; and 10th and 11th Wm. III.*

Persons distilling Spirituous Liquors, and selling them about the Streets without Licence, forfeit 10l. to be levied by the Constable, by Warrant, from Justice. *Stat. 6th Geo. and 6th Geo. II.*

Persons retailing spirituous Liquors without Licence shall, besides the former Penalties, be liable as follows: For the first offence, all distilled liquors then, or in six months after, in his custody, or in the custody of any other Person belonging to him, may be seized by Warrant from the Commissioners, or any Justice of the Peace, and be forthwith staved or otherwise destroyed; and the Peace or Parish-Officers, authorised by such Warrant, have power, within six months after conviction, to enter as aforesaid, and to break open doors if not opened on demand: For the second offence, be committed and kept to hard labour for a time not exceeding three months; and also (if Commissioners or Justices shall think fit) be ordered to be whipt: For the third Offence be deemed guilty

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guilty of felony, and transported for a term not exceeding seven years. *Stat. 26th Geo. II.*

Their Power to enter any Gaol, Prison, House of Correction, Work-house, or House for the Reception of Parish Poor, to search for spirituous Liquors.

They by Warrant may enter and search any Gaol, &c. and in case any Spirituous Liquors are found therein (except prescribed by a regular Physician, &c.) may seize the same, and cause it to be forthwith destroyed. *Stat. 24th Geo. II.*

Their Duty in Matters of Distress.

They are to assist the Landlord, or other Person who distrains, through the whole process. *Stat. 2d Wm. and Mary, 8th Ann, 11th Geo. II.*

They are to levy Penalties for Drunkenness.

They are to levy the sum of 50 s. on persons convicted of Drunkenness, for the use of the Poor; and if the Party is not able to pay it, he is to be set in the stocks six hours, &c. *Stat. 4th and 21st Jac.*

On his neglect to levy same, on Warrant for that Purpose, to forfeit 10 s. *Stat. 4th. Jac.*

They are to levy Penalties inflicted on Dyers for dying Cloth deceitfully.

On conviction of the Offender, if the Penalties are not paid, they are to levy for the same. *Stat. 13th Geo.*

Forfeitures within ten miles of London to go one moiety to the Dyers Company, the other to the Informer; beyond that Distance, the whole to the Informer. *Same Stat.*

Their Duty on the Excise Laws.

By Warrant from Justices, they are to levy the Penalties on Offenders against any of the Excise laws by distress, &c. If no distress, to carry the offender to Gaol, till satisfaction made. *Stat. 12th Car. II. and 1st Wm.*

When

When a Felon flies from the Constable.

He is to seize and make an Inventory of his goods, and send *Hue-and-Cry* after him: if taken in another County, he must be committed there. *Stat. 27th Eliz.*

If he neglects, he is finable by the Justices.

Their Duty under several particular Statutes.

Whoever discovers, apprehends, and prosecutes any offender returned from Transportation, to have 20 l. reward. *Stat. 16th Car. II.*

Houses in London not built according to the Statute, the offender to forfeit 50 l. to be levied by Warrant by the Constable. *Stat. 6th Ann.*

On the breaking out of any Fire, the Constables are to attend to assist in stopping its progress. *Same Stat.*

Persons fishing in Rivers without the Owner's consent, to forfeit 10 s. for the use of the Poor, to be levied by the Constable. *Stat. 22d and 23d Car. II.*

The same penalty for fishing with Nets of improper size on the Sea coasts, or in any Haven or Creek, by Warrant from a Justice. *Stat. 3d Jac.*

They are to search, by virtue of a Warrant, in *Shropshire, Worcestershire, and Gloucestershire*, for unlawful Nets to take fish, to seize same, and carry them to the Quarter Sessions to be destroyed. *Stat. 30 Car. II.*

No Salmon to be taken between the 1st of *August* and 12th of *November* in rivers in the Counties of *Southampton* and *Wiltshire*; nor Salmon or Trout under size, &c. under Penalty of not less than 20 s. nor above 5 l. to be levied by distress, &c. *Stat. 4 Ann.*

Salmon bought of Fishmongers are to be six pounds weight, under Penalty of 5 l. and other fish to be of certain lengths, under Penalty of 20 s. *Stat. 2d Geo. III.*

They are to search, on Warrant from the Justices, for Bone-lace, &c. in shops, warehouses and dwelling-houses, and to seize the same. *Stat. 13th and 14th Car. II.*

They are to present, at Quarter-Sessions, Forefallers of Markets, and Ingrossers and Regrators. *Stat. 31st Geo. II.*

They are to carry Higglers, Chapmen, Inn-keepers, &c. before a Justice, if any Hare, Pheasant, or other unlawful

Game, is found in their custody, who forfeit 5*l.* for every Hare, &c. half to the Poor, and the other half to the Informer. *Stat. 5th Ann.*

They may, by Warrant, enter the house of Unqualified Persons, to search for unlawful Game; if any found, to carry the same and the party before the Justice. *Stat. 22d and 23d Car. II. and 4th and 5th Wm. and Mary.*

No Person qualified is to kill and sell Game; if he does, he incurs the Penalty of the 5*th Ann.* *Stat. 28th Geo. II.*

Any Hare, Pheasant, found in the shop, house, or possession of any Poulterer, Salesman, Fishmonger, Cook, or Pastry-cook, shall be deemed an exposing thereof to sale. *Same Stat.*

They are to search, once a month, where unlawful Games shall be kept, and may seize and imprison the Masters and Gamesters till they find sureties. The Master to forfeit 40*s.* a day. *Stat. 33d Hen. VIII.*

There is another Penalty of 6*s.* 8*d.* for using unlawful Games: on default of payment, Offender to be set in the Pillory for three hours. If he neglects his Duty in these businesses, to forfeit 40*s.* for every default; the forfeitures to be levied by Warrant, by distress, &c.

When they carry a Felon to Gaol, the Gaoler is obliged to receive him: if he refuses, the Constable may secure his Prisoner in his own house, or carry him to the place where apprehended, and the Town must keep him till the next Gaol Delivery, where the Gaoler will be punished. *Stat. 5th Hen. IV.*

They, by Warrant from Justice, may sell Offender's goods to defray the charges of carrying him to Gaol, being first appraised by some of the Inhabitants. If he hath no goods, then the Town where he was apprehended, must pay their charges; and they, with the Churchwardens and two Inhabitants, may impose a tax for that purpose, and, after allowed, may distrain for the same. *Stat. 3d Jac.*

They are to levy the money for repairing Gaols, by Warrant from Justices. *Stat. 11th and 12th Wm. III.*

They may, by Warrant, search for Gunpowder, and if found a greater quantity then allowed by Law, they may remove the same.

Any

Any Person obstructing the search or removal, to forfeit 5*l*.

No Powder to be put on board Ships above Blackwall, nor Guns kept loaded, or fired before rising or after setting of the Sun, under Penalty of 5*l*. to be levied by Warrant. *Stat. 5th Geo. II.*

They are not to refuse to put the Laws against Hawkers in execution, under penalty of 40*s*. *Stat. 9th and 10th Wm. III. 16th Geo. II.*

They are to assist at *Michaelmas*, or within fifteen days after, in the driving off Commons, Forests, &c. Horses and other Cattle, on pain of 40*s*. *Stat. 32 Hen. VIII.*

They are to make *Hue-and-Cry* after a Felon who hath escaped. *Stat. 27th Eliz.*

If they neglect so to do, they may be indicted or sued.

When the Offender is taken on *Hue-and-Cry*, the Constable shall levy a tax to answer an execution or recovery against the Hundred, and pay same to the Sheriff: If he neglects to make such *Hue-and-Cry*, he shall forfeit 5*l*. *Stat. 8th Geo. II.*

In *Michaelmas* Sessions, yearly, they are to give into the Justices a list of the names and places of abode of the Inhabitants (within their respective Precincts) of all persons qualified to serve as Juries, between the age of twenty-one and seventy, and the Sheriff is to impanel no others, &c. *Stat. 7th and 8th Wm. III.*

If they neglect to return lists, as aforesaid, they forfeit 3*s*. or if they wilfully omit persons qualified, or insert wrong persons, they forfeit 20*s*. *Stat. 3d Geo. II.*

They must subscribe and attest their lists, on oath, before one or more Justices, and deliver them to the High Constable.

They may, in Hay and Corn Harvest-time, set artificers and ordinary tradesmen on work by the day, (who require it) and if they neglect, to forfeit 40*s*. *Stat. 5th Eliz.*

They are to levy the forfeitures for destroying Lands, viz. 40*s*. for their first offence, 50*s*. for the second, and 3*l*. for the third, by Warrant, on the goods of the Offenders: for want thereof, to be committed to the

House of Correction for any time not exceeding three months. *Stat. 17th Geo. II.*

They are to provide such Carriages and Men for the use of the Militia, as the Act requires; and on neglect, to forfeit 40 s. or not less than 20 s. to the use of the Poor. *Stat. 2d Geo. III.*

They are to put the Laws in execution against Popish Recusants, and are to complain to a Justice of Persons suspected of Recusancy; and such Justice, on their refusal of taking the oaths, may commit them till the next Assizes or Sessions. *Stat. 7th Jac.*

They are to present, once a year, to the Quarter Sessions, those who absent themselves from Church for the space of one month, and the names of their children above nine years of age living with them, and such servants as they have. *Stat. 3d Jac.*

If they neglect so to do, to forfeit 20 s. for every default; and Popish Recusants to forfeit 20 l. for every month they absent themselves from Church.

They are to make presentments, on oath, at the Quarter Sessions and the Assizes, of all things within their knowledge against the Peace.

They are to quarter Officers and private Soldiers in Inns, Ale-houses, &c. and not in Distillers houses, or Shopkeepers, or in Private houses under a Penalty; and Persons aggrieved by being quartered, may complain to any Justices for relief. *Stat. 4th Geo. III.*

If they neglect to execute the Justices Warrant for providing Carriages for Soldiers in their marches, to forfeit any sum not exceeding 40 s. nor less than 20 s. *Same Stat.*

If required, they are to give the Justices an account of the number of Soldiers quartered. *Same Stat.*

They are to put the Act in force enjoining Penalties for profane Swearing; and on neglect to perform his duty, to forfeit 40 s.

They are to levy the Penalty on Master Taylors of 5 l. for paying greater wages than the Statute allows; and also for not paying their Journeymen lawful Wages,
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by distress, &c. by Warrant from a Justice. *Stat. 7th Geo. II.*

They are to execute the Warrants of Commissioners of Turnpikes, under penalty of 5*l.* and by Justices Warrant to levy the forfeitures of persons assaulting Collectors, or passing through Turnpike-gates without paying the Toll appointed. *Stat. 8th Geo. II.*

They are to call assistance, by order of Justices, to endeavour to preserve Ships in danger of a *Wreck* near the Sea-coasts, under penalty of 100*l.* *Stat. 12th Ann.*

They are not to dispute a Justice's Warrant, but to execute the same with all speed. If the Justice exceeds his authority, the Constable is excused; but if the Justice issues a Warrant to be executed out of his jurisdiction, where he hath no authority, and he not a proper judge, the Constable will be punished if he executes it. *Stat. 14th Hen. VIII.*

The Constable, when he has taken a Person on a Warrant, must not discharge the Prisoner till he has carried him before a Magistrate, that the discharge may be regularly indorsed on the back of such Warrant.

The Constable's Duty as to electing Surveyors of the Highways, according to Stat. 13th Geo. III. which repeals Stat. 7th Geo. relative to the Highways, and reduces into one Act the several Statutes.

On the 22d of September in every year (unless that day be Sunday, and then on the 23d), the Constables, Headboroughs, Tythingmen, Churchwardens, Surveyors of the Highways, and Householders, assessed to any Parochial or Public Rate, shall assemble at the Church or Chapel, or if no such Church or Chapel, then at the usual Place of Public Meetings in every Parish, Township, or Place, at eleven in the forenoon; and the major part of them shall make a list of Ten Persons at the least living within such Parish, Township, or Place, who have each of them an Estate, in Lands, Tenements, or Hereditaments, of 10*l.* per annum, or personal Estate of the value of 100*l.* or who occupy Houses, Lands, Tenements, or Hereditaments, of 30*l.* per annum; and

if there shall not be Ten Persons so qualified, they shall insert the names of so many as are qualified; and the deficiency shall be supplied from the most sufficient Inhabitants resident there; for the purpose of serving the Office of Surveyor of the Highways.

And the Constable, Headborough or Tythingman, shall, within three days after such meeting, transmit a copy of such list to one of the Justices of the limit where such place shall lie, living in or near the same; and shall also deliver the original list to the Justices at their Special Sessions to be held for the Highways, in the week next after the *Michaelmas* General Quarter-Sessions of the Peace in every year. The Constable is to give Notice of holding the Sessions, and of their Appointment, to the Persons elected Surveyors, and shall, within three days after making the said list, give personal or written notices to the persons contained therein, that they may appear before the Justices, and shew cause, if they have any, against their being appointed. And the Justices shall hold such Special Sessions at such convenient places as they shall judge proper, and give ten days notice of the time and place of holding the same, to the Constables, Headboroughs, or Tythingmen of every such Parish or Place. And the Justices at such Sessions shall, from the said lists, appoint one, two, or more of such persons Surveyors, if they shall think them qualified for the office; if not, one, two, or more of the other substantial Inhabitants, or Occupiers of Lands, Tenements, Woods, Tythes, or Hereditaments, within such Parish or Place, living within three miles thereof, and in the same County, proper to serve the office of Surveyor, if any such can be found; of which appointment the Constable, &c. shall give notice to the persons so appointed, within three days after such appointment.

Constables, &c. if required by the Justices, are to return an account in writing of the sum which the Assessment of Sixpence per Pound, for the use of the Highways, will raise, under Forty Shillings Penalty for neglecting or refusing to make or retain such lists, or not giving proper

per notice or notices, and serving such Warrant or Warrants, as in this Act are directed. Stat. Geo. III.

Penalty for resisting the Execution of this Act, and for Constables, Headboroughs, or Tythingmen, who refuse to execute any Warrant granted pursuant to the Directions thereof.

In case any person shall resist, or make forcible opposition against, any person employed in the due execution of this Act, or make rescue of the Cattle, or other goods distrained; or if any Constable, Headborough, or Tythingman, shall refuse to execute any Warrant granted by any Justice pursuant to the directions of the Act; such person offending therein, and being thereof convicted by a Justice, shall, for every offence, forfeit not exceeding Ten Pounds, nor less than Forty Shillings, at the discretion of the Justice before whom he shall be so convicted; to be paid to the Surveyor of the Highways for the Parish or place where the offence was committed, to be laid out in the repair of the Highways: And in case he do not forthwith pay, or secure to be paid, the said forfeiture after conviction; then such Justice may commit such person to the Common Gaol or House of Correction of the limit where such offence shall be committed, for any time not exceeding three months, unless the said forfeiture shall be sooner paid. *Same Stat.*

Penalty on Constables, &c. refusing or neglecting to execute Stat. 13th Geo. III. cap. 84. for regulating Turnpike Roads.

Every Constable, Headborough, or Tythingman, refusing or neglecting to put the Act into execution, or to account for, or deliver any forfeiture according to the Directions of the Act, shall, upon due information made on oath before a Justice for the limit, forfeit for every neglect Ten Pounds. Or if any Constable, Headborough, or Tythingman, shall refuse to execute any warrant granted by any Justice, pursuant to the directions of the Act, he shall for every offence forfeit not exceeding Ten Pounds, nor less than Forty Shillings, at the discretion of the Justice before whom he

shall be so convicted; and unless the forfeiture be forthwith paid, such Justice may commit him to Gaol, or the House of Correction, for any time not exceeding three months, unless the Penalty be sooner paid. *Stat. 13th Geo. III.*

Constables, &c. are impowered to apprehend Persons driving contrary to the above Act.

If any person shall, upon a Turnpike Road, drive any waggon, wain, cart, or carriage, not being marked according to the directions of the Act, or drawn by more than the number of horses, or beasts of draught, thereby authorised; it shall be lawful for any Constable, Headborough, Tythingman, or other person, to apprehend and take such person so driving, as aforesaid, before a Justice of the Peace for the limit where the offence shall be committed, and upon his conviction thereof, either by the confession of the party, or by the oath of credible witnesses, before such Justice, every person so offending, shall forfeit, for every offence, not exceeding Five Pounds, nor less than Ten Shillings, at the discretion of the Justice before whom such offender shall be convicted. *Same Stat.*

Constables are to apprehend, and convey before a Justice, if delivered to them, Drivers of any Carriage who misbehave.

In case the driver of any cart, car, dray, or waggon, shall ride upon any carriage in a Street or Highway, not having some other person on foot or on horseback to guide the same (such carriages as are conducted by some persons holding the reins of the horses drawing the same excepted); or if the Driver of any carriage on any part of a Street or Highway, shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being on such Street or Highway; or shall quit the Highway and go on the other side the hedge or fence inclosing the same; or wilfully be at such a distance from such carriage, or in such a situation,

tion, whilst it shall be passing through such Highway, that he cannot have the direction and government of the horses or cattle drawing the same; or shall by negligence or wilful misbehaviour, prevent, hinder, or interrupt the free passage of any other carriage, or of His Majesty's subjects, on the Highways; or if the Driver of an empty, or unloaded waggon, cart, or carriage, shall refuse to turn aside and make way for any coach, chariot, chaise, loaded waggon, wain, or loaded carriage; or if any person shall drive any such coach, post-chaise, or carriage let for hire, or waggon, wain or cart, not having the Owner's name, as required, painted thereon; or shall refuse to discover the true Christian and Surname of the Owner of such carriage; every Driver so offending in any of the Cases aforesaid, and being convicted of such offence either by his confession, the view of a Justice, or by the oath of credible Witnesses, before any Justice of the limit where the offence was committed, shall, for every offence, forfeit not exceeding Ten Shillings, in case such Driver shall not be the Owner of such carriage; and in case the offender be the Owner of such carriage, then a Sum not exceeding Twenty Shillings; and in either of the said cases, he shall, in default of payment, be committed to the House of Correction for any time not exceeding one month, unless such penalty shall be sooner paid; and every such Driver offending in either of the said cases, may, *with or without any Warrant*, be apprehended by any person who shall see such offence committed, and shall be immediately delivered to a Constable or Peace Officer, in order to be conveyed before some Justice, to be dealt with according to law; and if such Driver, in any of the cases aforesaid, shall refuse to discover his name, the Justice before whom he shall be taken, or to whom such complaint shall be made, may commit him to the House of Correction for any time not exceeding three months, or proceed against him for the penalty aforesaid, by a description of his person and the offence, and expressing in his proceeding that the offender refused to discover his name. *Same Stat.*

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Headboroughs, Tythingmen, &c. appointed where there is also a Constable, cannot principally concern themselves in any matter except in the absence of the Constable.

In what Cases a Constable need not shew his Warrant to his Prisoner.

In the service of Warrants, Constables being sworn officers, the law does not require them to shew their Warrants when they act in their respective parishes and places, although demanded by the person arrested; but they ought to acquaint the Party with the contents of it, especially if it be a bailable offence, that he may have an opportunity of sending for, and producing Bail before the Justice.

When they must shew their Warrants.

If they act out of their Parish, they must shew their Warrant, if demanded. If they arrest any Person before a Warrant be issued, though the Accuser afterwards procure one, yet this will not justify them, nor prevent an action being brought against such Constable for false Imprisonment. In arresting any Person on a Warrant, it is a sufficient notice to him, to tell him, that you arrest him in the King's Name; and shew him your Pocket Staff or Truncheon; as the unquestionable mark of the office you bear.

As to arresting a Person a second Time.

If, after such Arrest, the Constable suffer the Party to go at large, either on his own knowledge of the Person, or on promise from others that he shall appear, and he fails therein, he cannot legally arrest him on the same Warrant; whereas on the contrary, if the Party escape from you by his own act, or is rescued by the violence of others, the Constable may pursue him, even into another County, and apprehend him on the same Warrant.

How far a Constable is safe in executing Warrants.

As the Law formerly stood, the Constable was answerable for false Imprisonment, if he executed a Warrant

rant in cases where the Justice had no Jurisdiction; and yet, at the same time, was indictable for refusing to obey; and in determining both these instances, the law was much too ambiguous and uncertain, considering the risque the Constable was to run. But this absurdity not only of placing the Judgment of the inferior over the superior, but also of punishing the Party for obeying and disobeying, is by a late statute removed; and now you are concerned only in the execution of Warrants: but be careful to have your Warrants properly discharged, and preserve them with care when they are; for the Defendant, or his Attorney, has a right to demand a copy and perusal of such Warrant; which, if you refuse, an action of false imprisonment, if the Warrant be illegal, will lye against you; whereas, upon giving you such a copy within six days after demand, and permitting the perusal thereof, the Justice must abide the consequence of his Warrant, and you are discharged.

Directions for executing search Warrants.

Great prudence is necessary in the execution of search Warrants. These must be executed between the rising and setting of the sun, at most by visible day-light. As these Warrants often proceed from the mistakes and misapprehensions of people, and sometimes from worse motives, they may happen to be executed in the houses of the innocent, and therefore caution and tenderness should always be used. With good nature acquaint the Parties upon whom the Warrant is to be executed, of the occasion; that suspicion has arisen that part of the Goods are lodged with them, for which reason you are obliged by your Warrant to search, advising them, if any of the things stolen are in their custody, to produce them voluntarily, and give evidence against the Felon; for, if they deny the knowledge of them, and such things should on search be found, or evidence afterwards appear that they were in their custody, the law may construe their denial and secreting the Goods, into a felonious intent, the consequence of which may be transportation for fourteen years. After such admonition be extremely careful in your search, and that in proportion to the bulk or minuteness of the things lost. Your War-
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rant tells you, if you find the Things stolen, or any part of them, you are to bring them and the Parties, in whose custody they were found, to answer before the Justice. And that no mistake may happen in ascertaining the property, always take with you a Person able to swear it. Never break open Locks until the Parties have first refused to open them.

The cautionary steps to be taken by the Constable, with regard to the Goods of Felons.

Be extremely careful to keep in your custody whatever things you take upon Felons: the same caution is to be observed in respect of such stolen Goods as you take in the execution of search Warrants. The law strictly requires this of you, in order that they may be produced in evidence upon the trial of the Prisoner: For remember that the indenture of such things is to be proved upon your oath, as well as the Time when taken, and Place where: If therefore you suffer such Goods to go even out of your sight, you weaken your evidence, if you do not destroy it; and should the Goods be by accident, or otherwise, lost, you are not only answerable to the Court for acting wrong, which may defeat the prosecution, but also to the prosecutor for the value of the Goods; nor will it be a sufficient plea to the Court, that you left them in the hands of the Justice, even by his command; for as they were taken by you, the law requires them at your hands; and it is a new practice, and embarrasses evidence, to make the Justice's Office the Warehouse for stolen Goods. And as the Goods you take on persons charged with Felony, or by search Warrants, are, as the law terms it, *in abeyance*: After the Jury have returned their verdict, if the Prisoner be convicted, you are to deliver such Goods to the Prosecutor: on the contrary, if the Prisoner be acquitted, such Goods revert to him, the cause of seizure being discharged. But if any difficulty should arise concerning the restitution, I advise you to pray the direction of the Court. Your duty does indeed absolutely oblige you to produce such Goods at the trial; but after that is over, be careful how you bring them out of Court, lest you suffer by Actions at Law from both Parties.

Directions

Directions for breaking open Doors, &c. on search Warrants.

Where the law gives that power to the Constable, he is, on finding the Doors fast, to call with an audible Voice to the Persons within, demanding entrance in the King's Name, as Constable: and if on this the Parties refuse to answer, or answering refuse to open the Door, he may then justify using force.

As to executing warrants out of his Division.

Be careful not to execute Warrants, or to do any act as Constable, out of your respective Parishes and Places, except you are especially appointed by a Warrant, or aiding the *High Constable* in the discharge of his duty. Magistrates may empower any Person to execute their Warrants within their jurisdiction; and the *High Constable* has the same authority in every Parish in his Division as you have in your separate Parishes; and you partake of that Authority when you are with him.

How to execute Warrants generally and specially directed.

When you receive Warrants directed *generally* to bring the Offenders before the Justice who grants, or some other of his Majesty's Justices of the Peace, you are at liberty to convey your Prisoner to any Justice of the Peace; but if it be special to bring the Party before the Justice who granted the Warrant, you must obey it: but this, though the Warrant is good, is rarely done, except in cases where some particular information is with the Justice.

A Constable ought to avoid serving a Warrant upon his Enemy.

If you have had any dispute or animosity with any Person, I advise you to decline serving any Warrant upon him, or taking him into Custody, if possible; but rather refer it to a Brother Officer; since if any personal prejudice, or provoking language should make you transgress
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your duty, and an action be the consequence, the former grudge would prove a great enhancement of damages.

What a Constable ought to regard in Case of a Superfedeas.

When you arrest upon a Warrant, and the Party arrested produces a *superfedeas*, you are to compare such *superfedeas* with the contents of your Warrant; and if you find that the names of the Plaintiff and Defendant, and the offence complained of, agree, you must directly discharge your Prisoner: if they do not agree, either in the names or the offence, you are then to carry the Party before the Justice. But if the offence be Felony on your Warrant, the *superfedeas* must be signed by two Justices of the Peace, for one Justice of the Peace cannot, by law, bail Felony.

Directions for executing Warrants of Distress.

First demand the sum to be levied: if that be denied, then you are to seize so many of the Goods as will be sufficient to pay the contents of your Warrant, and the necessary expence consequent thereon: but to do this, with as little hurt to the Parties as possible, let your seizure be rather of Superfluities than Necessaries: which Goods so distrained you are to make sale of after four days; and within eight days, deducting the Sum mentioned in your Warrant and reasonable Charges, render the Overplus on demand to the Party whose Goods you distrained, unless the Penalty, together with the reasonable Charges be sooner paid. Observe that in this case you are obliged to shew your Warrant, if the Party demand it; and be careful not to exact unreasonable Charges; for this point being left by the Law to your discretion, if you are guilty of Oppression the injured Person may have redress by an Action against you.

Constable's Duty in assisting Landlords to seize for Rent.

When called upon by Landlords to assist in seizing Goods for Rent, your duty is to preserve the peace, without

out intermeddling otherwise, except as to swearing the Appraisers, if the Rent be not paid in due time; a Copy of which Oath here follows:

You do swear that you will faithfully appraise and value the Goods now taken in distress, and mentioned in the Inventory to you shewn, as between Buyer and Seller, according to the best of your Skill and Understanding; you shall not, through Partiality, Interest, or otherwise, over or under estimate the said Goods, but impartially do your Duty herein.

So help you G O D.

In Quartering Soldiers.

If any Constable, or other proper Officer, shall neglect his duty in billeting for the space of two Hours, sufficient notice having been given before, of the arrival of Soldiers, or shall take any reward to excuse any person; or if any person liable shall refuse to receive any Soldiers, or to furnish them, as required by this Act, and be thereof convicted before any Justice, by confession or oath of one witness, he shall forfeit 5*l.* or any sum not exceeding 5*l.* (nor less than 40*s.*) by distress by warrant of such Justice, to be directed to any other Constable, or Overseer, where the Offender shall dwell, for the use of the said Parish.

In quartering Soldiers, a little trouble to yourselves at first, will be of great benefit to them, and utility to the Publicans; for as Regiments consist of married as well as single Men, so of Houses liable to receive Soldiers, some have conveniences to lodge them, and others have barely room in their Houses for their own Families. To quarter therefore single Men in the former, and married ones in the latter, will prove the source of endless disputes. To quarter a married Soldier in a Lodging-house, is taking from him three shillings a month; and sending the single Man to Money-quarters, is distressing both him and his Landlord. I therefore recommend to you to consult the Serjeants of the respective Companies, who will inform you of the condition of their Men; and by placing them properly in Quarters, according to their wants,

wants, you will preserve peace in your respective Divisions; and if any disputes should arise between the Landlord and the Soldier, endeavour in a friendly manner to reconcile them. If this fails, in order to prevent worse consequences, remove them to other Quarters, and avoid, if possible, all imputation of partiality. The king's commands are that the soldiers behave peaceably in their quarters, and their Officers severely punish such as do not conform to the royal orders.

A List to be kept of the Houses in which Soldiers may be Quartered, and of the Soldiers there billeted.

Keep a regular List of your Quarters, and of the Soldiers there billeted, to avoid imposition in quartering either a greater number than is assigned you by your High-constable, and to prevent those assigned you from fraudulently obtaining double Quarters, as well as to be ready at all times to produce a perfect account, should any complaint of partiality be made against you to the Magistracy.

In Westminster the Constables are required to deliver in to the Sessions on oath a List of the Houses liable to receive Soldiers, and the number of Soldiers quartered upon them, in their respective districts; and if such Lists are defective, the Constable forfeits five pounds. Moreover the law inflicts on you a penalty not exceeding five pounds, nor less than forty shillings, if you take any reward to excuse Publicans from quartering Soldiers; and the same penalty upon the Victualler for refusing Quarters to Soldiers, or not providing them what the law allows.

Duty in assisting at Fires.

By the statute of Queen Anne you are required, upon notice given you, to repair to the place where any Fire shall happen in your several Parishes, there to assist in the extinguishing it, by compelling Persons present to work at the Engines, and do such other service as shall tend to prevent the Flames from spreading; and to apprehend Pilferers, and idle Persons, supposed to attend for

for the barbarous purpose of robbing the Distressed. This is a service where humanity strongly enforces the law, and your attendance is of the utmost importance to the unhappy Sufferers in time of such general consternation.

Duty to your High Constable.

The last part of your Office I shall speak to, is your connection with, and obedience to the precepts of your High-constable. Indeed he has not, by virtue of his office, any positive authority over you, and is only to command you, by virtue of such Warrants and Orders as he receives from the Sessions, Sheriff, and Justices. These you are obliged to obey under penalties of the law. And I hope it is needless to exhort you to pay a cheerful obedience to his Precepts, and give him your ready Assistance in his Duty when you are called upon.

N. B. The Constable when he has taken a Person on a Warrant, must not discharge the Prisoner till he has carried him before a Magistrate, that the Discharge may be regularly indorsed on the back of such Warrant.

Cases determined on the Duty and Office of a Constable.

In some towns, by the Custom and Usage thereof, the Inhabitants serve the Office of Constable by turns, which hath been held a good Custom. *2 Keb. 304.*

If a Woman by the Custom of a Town of serving the Office by turns should be chosen Constable, this is no objection; because she is allowed to make a sufficient deputy, or procure one so qualified to serve for her, who will be considered as the proper Officer. *2d Hawk. P. C. 64.*

By long uninterrupted Custom, Justices of the Peace have taken upon them not only to swear Constables who have been chosen at a *Town or Leet*, but also to nominate and swear Constables where none have been sworn at such Courts, through the neglect of the Sheriff or Lord. They likewise sometimes displace those who have been chosen; and it hath been carried so far as to allow the

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Sessions

Sessions of the Peace to swear one Constable, who had been elected at the *Leet*, and unduly rejected by the Steward, who had sworn another in his place. 1 *Mod.*

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Constables were originally chosen in *Leets*; yet being an Officer whose Duty it is to keep the Peace, the Court of King's Bench have held, that Justices may chuse him in cases of necessity, as in the *Tower Hamlets*, &c. * *Ibid.*

If a Person is duly elected into the Office of Constable, and refuses to accept the same; if present, the Court may fine him; if absent, and notice given him of a fixed time and *place* for taking the Oaths, and he neglects to attend the same, on being presented at the next *Leet*, he may be amerced. *Cro. Car.* 567.

It hath been held, that in either case he is indictable; but in such indictment the whole transaction must be specially set forth. *Hawk. P. C.* 65.

An Officer of the Guards, if elected to the Office of Constable, is liable to serve; because tho' he is bound to an attendance on the King, yet it being of a latter institution than the custom of chusing Constables, it shall not prevail against such antient Custom. 1 *Lev.* 234.

A Constable being originally instituted for the Preservation of the Peace, by the Common Law, they may arrest Felons, and all suspicious Persons that go abroad in the night and sleep by day, or resort to bawdy-houses, or keep suspicious company. *Hawk. P. C.* 62.

It is the Duty of a Constable to present at the *Torn* or *Leet* within his district, such Persons who are not admitted into some Tithing, and who are not sworn to the King's Allegiance. *Dalt. Sheriff.* 388.

A Constable is bound by his Duty of Office to endeavour to part all Affrays in his presence, and also to demand the Assistance of others therein; and any person standing by at such Affray, and refuses his aid, is liable to Fine and Imprisonment. 3 *Inst.* 158.

If persons are at high words which threaten blows, a Constable may command them not to fight, under pain of Imprisonment. *Cro. Eliz.*

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If an Affray happens in a house, a constable may justify breaking open the doors to preserve the Peace. *Compl. Sheriff. 34.*

A Constable is bound to execute the Warrants of a Justice of Peace; and where the Statute authorises a Justice of the Peace to convict a man of a crime, and to levy a penalty, by Warrant of Distress, without saying to whom directed, or by whom to be executed, it is the duty of the Constable to serve such Warrant, and he is indictable on refusal. *Salk. 175.*

A Constable on Sickness, Absence, or otherwise, may depute a Person to execute a Warrant directed to him; though this seems a dangerous measure, but on special cause. *1 Roll. Abr. 591. Compl. Sheriff. 78.*

A Warrant directed generally to all Constables, no one can execute the same out of his own Precinct: if directed to a particular Constable, he may execute it any where within the Jurisdiction of the Justice who granted the same: *Salk. 176.*

In executing a Warrant, the Constable need not shew it the Party, if he demands a sight of the same; but on making an arrest, he must acquaint him with the purport of it. *9 Co. 69.*

If a Person is taken by a Constable without a Warrant, such unlawful arrest cannot be made good afterwards by taking out a Warrant. *Dyer 244.*

If a Constable arrests a Person by virtue of a Warrant, and permits him to go at large on his promise to return, he cannot again take him by virtue of the same Warrant; but if he voluntarily returns into custody, he may carry him before the Justice, in pursuance of the said Warrant: *Compl. Sheriff. 278.*

SURVEYORS *of the* HIGHWAYS.

*When and how to be appointed by Stat. 13th Geo. III.
Cap. 78.*

ON September 22d, in every year, unless *Sunday*, and then on the day following, all Conitables, Headboroughs, Tythingmen, Churchwardens, Surveyors of the Highways, and Householders, assessed to any Parochial or Public Rate of every Parish, Township, or Place, shall assemble together in the Church, or, if the place has no Church or Chapel, at the usual place of public meetings for such Parish, Townships or Place, at eleven in the forenoon; and the major part of them so assembled are to make a list of the names of at least Ten Persons living within such Parishes, Townships, or Places, each of whom has an Estate in Lands, Tenements, or Hereditaments, lying within such Parish, Township, or Place in his own, or in right of his Wife, of the value of 10 *l.* *per annum*, or a personal Estate of the value of 100 *l.* or occupies or rents Houses, Lands, Tenements, or Hereditaments, of the yearly value of 30 *l.* And provided there shall not be Ten Persons so qualified, they shall insert in such list the names of as many as have the above qualifications, together with the names of as many of the most sufficient and able inhabitants of the place not so qualified, as shall make up the number Ten, if so many can be found; if not, as many as shall reside there, to serve the Office of Surveyor of the Highways: A duplicate of such list to be transmitted, within three days after such meeting, by the Constable, Headborough, or Tythingman of the place, to one of the Justices of the County, Riding, &c. living in or near such Parish, Township, or Place; and the original list to the Justices at the Special Sessions held for the Highways within that limit, in the week following the *Michaelmas* General Quarter Sessions in every year; and within three days after making the said list, shall give notice in writing, to be served personally, or left at the places of abode of the
several

several persons contained in such list, informing them of their being so named, that they may severally appear at the said Sessions to accept such Office, if appointed thereto, or to shew cause why they ought not to be appointed: And the said Justices are required to hold such Special Sessions at some convenient place within their limits, to be chosen at their discretion, and to give notice to the Constables, &c. of the time and place where they intend to hold the same, at least ten days previous to the holding of such Sessions, and may appoint from the list such number of Surveyors as they shall think fit, if they shall, in the opinion of the Justices, be qualified for the Office; if not, other Inhabitants, or Occupiers, &c. living within three miles of the place, and within the same county; which appointment shall be notified within three days after to the persons named, by the Constables, &c. by serving every such person with the said Warrant, or by leaving the same, or a true copy thereof, at his usual place of abode. Every Surveyor so appointed shall hold his office for one year; and the Justices shall give such of the surveyors as appear personally before them a charge for the better performance of their duty; and if any person whose name was contained in the list, after such notice and appointment, doth not accept the office, he shall forfeit Five Pounds; and if any person so appointed, whose name was not contained in the list, shall refuse to accept the office, and shall not, within six days after being served with the appointment, shew sufficient cause to one of the Justices signing it, why he should not serve, he shall forfeit Fifty Shillings, provided that no person who has been appointed and served the office of Surveyor for one year, shall be liable to serve for the same place within three years, from the time of such first appointment and service, unless he shall consent thereto. *Stat. 13th Geo. III,*

In what cases the Justices may appoint a Surveyor with a Salary.

If no list, as above directed, be made, or the person appointed refuses to serve, another may be appointed to

execute the office at a subsequent Special Sessions, and a salary fixed for him not exceeding one eighth of a Sixpenny assessment to be made out of the fines, forfeitures, &c. raised and paid by virtue of the Statute, within the Parish, Township, or place, at the discretion of the Justices; or if two parts out of three of those so assembled for the nomination of Surveyors, agree in the choice of any particular person of skill and experience, to serve the office of Surveyor, and in settling a certain salary for his trouble therein, and return the name of such person, together with the list before directed, to the Justices at their Sessions to be held in the week next after the *Michaelmas* Quarter Sessions; in such case the Justices, if they think proper, may appoint such person to be Surveyor, and allow him the salary mentioned in such agreement, which shall be raised and paid in the same manner as the salary before-mentioned is directed to be raised and paid; and in case any Surveyor shall die, or become incapable of executing that office before the next Special Sessions, the Justices may, at some Special Sessions, nominate such person as they shall think proper, to execute the said office, until such next Special Sessions for appointing Surveyors; and if such deceased Surveyor had a Salary, they may allow the same salary to his successor in proportion to the time he shall serve the office; and if the Justices appoint more than one Surveyor, they are all comprehended under the word *Surveyor* in every part of this *Act*. *Same Stat.*

The Justices, when they appoint a hired Surveyor, are to appoint one substantial Inhabitant as his Assistant.

The Justices, when they, on neglect or refusal of the person nominated to accept the office of Surveyor, appoint a substitute with a salary, are to appoint one substantial inhabitant for his assistant until the next annual election of Surveyors; and on his refusal to accept that office he shall forfeit Fifty Shillings; and the Justices in that case may appoint another, who, on refusal, shall also forfeit Fifty Shillings; and in that case they may appoint a third person, who shall be entitled to the
said

said forfeitures; and to a further allowance, by way of salary, if the Justices think it necessary, and shall order the same. No person, however, appointed Assistant for one year, shall be liable to be appointed Assistant for the same place within three years, against his consent. *Same Stat.*

The Duty of the Assistant Surveyor.

He shall assist the Surveyor, whenever requested by him, in calling in and attending the performance of the Statute-duty; in collecting the compositions, fines, and forfeitures; in making and collecting the assessments; in making out and serving the notices; and in such other matters as shall be reasonably required of him by the Surveyor, in the execution of his office; and such Assistant shall account with, and pay to the Surveyor, all the money which shall come to his hands by the means aforesaid; and, in default thereof, he shall forfeit double the value of the money received, and not so accounted for; and if the Assistant shall wilfully neglect, or make default in the performance of any part of the Duty required by the Act, he shall forfeit for every offence not exceeding Five Pounds, nor less than Forty Shillings, at the discretion of the Justice of the limit within which such Assistant was appointed; and the Surveyor shall send orders, in writing, upon the Assistant, for the payment of all sums due for work or materials, by virtue of the Act, which amount to Forty Shillings or upwards; and the Surveyor shall not be accountable for any sum which shall be received by the Assistant, that shall not be actually paid to such Surveyor, or to his order. *Same Stat.*

The hired Surveyor to give Bond for the due execution of his Office.

The Surveyor appointed with a salary within fourteen days after his appointment, is to give a Bond on unstamped paper, with sufficient surety to account for the money which shall come to his hands as Surveyor. *Same Stat.*

No Trees, Bushes, &c. to be suffered to grow in the Highway.

No Tree, Bush, or shrub, shall be suffered to grow or stand within the distance of fifteen feet from the centre of any Highway (except for ornament or shelter to the house, building, or court-yard of the owner), or from henceforth to be planted within the above distance; but the same shall be cut down, grubbed up, and carried away, by the owner of the land or soil, within ten days after notice given to him, his Steward, or Agent, by the said Surveyors, on forfeiture of Ten Shillings for every neglect. *Same Stat.*

By whom, and how, Hedges, &c. are to be pruned.

The possessors of Lands adjoining to every Highway are to cut, prune, and plash their hedges, and to cut down, lop, and prune the trees growing in or near the hedges and fences (except such trees as are planted for ornament or shelter), in such a manner that the Highways may not be prejudiced by their shade, and that the sun and wind may not be excluded; and if such possessor does not, within ten days after notice given by the Surveyor, cut, prune, and plash such hedges, and cut down, lop, and prune such trees, the Surveyor may make complaint to some neighbouring Justice, who shall summon the party to appear at some Special Sessions for that limit, to answer the complaint; and if it shall then appear that the accused party has not complied with the requisites of this Act upon hearing both parties, or the Surveyor, and the Agent of the possessor (or in default of the appearance of either, upon due proof of the service of such summons), and considering the circumstances of the case, they may order such hedges to be cut, pruned, and plashed, and such trees to be cut down or pruned in such manner as may best answer the purposes aforesaid; and if their order is not obeyed within ten days after made, and due notice given thereof, the defaulter shall forfeit Two Shillings for every twenty-four feet in length of the hedge or hedges neglected to be cut and plashed, and the same sum for every tree not cut down, pruned, or lopped; and the Surveyor is empowered to cut, prune, and plash, such

such hedges, and cut down, lop, and prune such trees, in the manner directed by the order of Sessions; and such Possessor shall pay over and above the said penalties the charge of doing the same; or in default thereof, such charges, together with the forfeitures, are to be levied upon his goods and chattels by warrant of a Justice, in the same manner as directed for other forfeitures under this Act. *Same Stat.*

Ditches, &c. to be made by Occupiers of Lands, &c.

Ditches, drains, or water-courses, sufficient for keeping all Highways dry, and conveying the water from the same, shall be made and kept open, and sufficient trunks, tunnels, plats or bridges, shall be made where cartways, horseways, or footways, lead out of the said Highways into the lands or grounds adjoining, by the Occupiers of such lands or grounds; and every person who shall occupy lands or grounds adjoining to, or lying near such Highway, through which the water hath used to pass from the said Highway, shall, from time to time, as often as occasion shall be, open, cleanse, and scour the ditches, water-courses, or drains, for such water to pass through without obstruction; and for every default in any of the matters or things aforesaid, after ten days notice given of the same by the Surveyor, they shall for every offence forfeit Ten Shillings. *Same Stat.*

No Stone, &c. to be laid in the Highway.

If any person shall lay in any Highway, any stone, timber, straw, dung, or other matter, or in making or cleansing such ditches or water-courses, shall permit the soil, &c. dug thereout, to remain in such Highway, so as to obstruct or prejudice the same, for five days after notice by the surveyor, he shall forfeit Ten Shillings for every offence. *Same Stat.*

Manure,

Manure, &c. not to be laid in the Highway, &c.

If any stone, timber, or other matter for making manure, or on any other pretence not allowed by the Act, shall be laid in any Highway within the distance of fifteen feet from the center thereof, and shall not within five days after notice given by the Surveyor, or person aggrieved, be removed, the Owner or Possessor of the lands adjacent, or any other person, may, by order from a Justice, take and dispose of the same to his own use.
Same Stat.

Any Person obstructing the passage of Highways forfeits Ten Shillings.

If any person shall wilfully set any waggon or other carriage, or instrument of husbandry, in any of the said Highways (except during such time only as such waggon or carriage shall be loading or unloading), so as to interrupt the free passage, he shall forfeit Ten Shillings.
Same Stat.

Duty of Surveyor in mending the Roads, &c.

The Surveyors shall view all the Roads, common Highways, Trunks, Tunnels, Plats, Bridges, Causeways, and Pavements, within the Parish or Place for which they shall be appointed; and if they observe any nuisances, incroachments, obstructions, or annoyances therein, they shall give notice thereof to the persons offending, specifying the particulars: and if such nuisances, &c. shall not be removed, and the Ditches, Drains, Gutters and Water-courses effectually made, scoured, cleansed and opened; and such Trunks, Tunnels, Plats, or Bridges, made and laid; and such Hedges properly cut and pruned, within twenty days after such notice; the Surveyor is authorised to remove such nuisances, &c. and open, cleanse, and scour such Ditches and Water-courses; and make or amend such Trunks, Tunnels, Plats, or Bridges; and cut and prune such Hedges, for the benefit and improvement
of

of the said Highways; and the Person or Persons so neglecting to make, or open and cleanse such Ditches, Gutters, or Water-courses, or to cut or prune such Hedges, during the time aforesaid, after notice given, shall forfeit one penny *per* foot, for every foot in length which shall be so neglected; and the Surveyors shall be reimbursed the charges and expences they shall be at in any of the works aforesaid, over and above the said forfeiture: and if not paid upon demand, they shall apply to a Justice, and, upon making oath before him of notice being given to the Defaulter, and of the work done, and of the expences attending the same, they shall be repaid all such charges as shall be deemed reasonable by the Justice; or in default of payment on demand, the same shall be levied as the penalties and forfeitures by this Act inflicted are directed to be levied. *Same Stat.*

Time of cutting Hedges, &c.

No Person to be compelled, nor any Surveyor permitted to cut or prune any Hedge, at any other time than between the last day of September and the last day of February; and nothing in this Act shall oblige any person to fell any Timber-Trees growing in Hedges at any time whatsoever, except where the Highways shall be ordered to be enlarged; or to cut down or grub up any Oak-Trees growing within such Highway, or in such Hedges, except in the month of April, May, or June; or any Ash, Elm, or other Trees, except in December, January, February, or March, *Same Stat.*

When new Ditches, &c. may be made.

Where the old Ditches, Gutters, or Water-courses, or such as shall be made, are insufficient to carry off the water which shall lie upon the Highways, the Surveyors, by order of one or more Justices, may make new ones in and through the lands or grounds adjoining, or through any other lands or grounds, for the more easy and effectually carrying off such water; and also keep the same
scoured,

scoured, cleansed, and opened ; and the Surveyors, and their Workmen, are impowered to go upon the said lands for those purposes ; the Surveyors making proper Trunks, Tunnels, Plats, Bridges, or Arches, over such Ditches, Gutters, or Water-courses, where necessary, and keeping the same in repair, and also making satisfaction to the Owner or Occupier, of such lands (not being Waste or Common), for the damages he shall sustain thereby ; to be settled and paid as the damages for getting materials in inclosed Grounds are directed by this Act. *Same Stat.*

Width of Cartways.

The Surveyors are required to make every Cartway leading to any market-town twenty feet wide, and every horseway, or draught-way, eight feet wide, if the ground between the fences inclosing the same will admit thereof. *Same Stat.*

Narrow Roads to be widened, &c. and Satisfaction made to the Parties interested, &c.

Where it shall appear, upon the view of one or more Justices, that the ground of any Highway between the fences is not of sufficient breadth, they are impowered to order the same to be enlarged, so as not to exceed, when enlarged, thirty feet ; and so as not to pull down any house or building, or take away the ground of any garden, park, paddock, court, or yard ; and the Surveyor (under the direction and with the approbation of the said Justices) is impowered to make an agreement with Owners and other Persons interested, for the recompence to be made for such ground, and for the making such new ditches and fences on that side of the Highway which shall be so enlarged, according to the respective interests of the parties, and also with any other persons that may be injured by such enlargement. *Same Stat.*

If

*If Parties disagree, the Recompence to be assessed by a Jury,
at the Quarter-sessions.*

If they cannot agree, or the parties cannot be found, or shall refuse to treat, or take the recompence and satisfaction offered, the Justices at any General Quarter-Sessions for the County, &c. wherein such ground shall lie, upon certificate, in writing, signed by the Justices making such view, of their proceedings in the premises; and upon proof of fourteen days notice in writing having been given by the Surveyor to the Persons interested, &c. signifying an intention to apply to such Quarter-Sessions for the purpose of taking such ground, shall impanel a Jury of twelve disinterested men out of the persons returned, to serve as Jurymen at such Sessions; and the Jury shall, upon their oaths, to the best of their judgment, assess the damages and recompence to be made to the Owners, and others interested, for their respective interests, as they shall think reasonable, not exceeding thirty years purchase; and likewise such recompence as they shall think reasonable, for the making of a new ditch and fence to that side of the Highway that shall be so enlarged; and also satisfaction to any persons that may be otherwise injured by the enlarging the said Highways: And upon payment or tender of the money so awarded and assessed, or leaving it in the hands of the Clerk of the Peace of the county, &c. in case the Parties cannot be found, or shall refuse to accept the same for their use, the said ground shall be esteemed a public Highway, to all intents and purposes; saving nevertheless to the Owners of such ground, all mines, minerals, and fossils, lying under the same, which can be got without breaking the surface of the said Highway; and also timber and wood growing upon such ground, to be fallen and taken by them within one month after such order shall have been made; or, in their default, to be fallen by the Surveyor within the respective months aforesaid, and laid upon the land adjoining, for the benefit of the Owners. *Same Stat.*

Assessment

Assessments may be made for the above Purpose.

Where there shall not appear sufficient money in the hands of the Surveyor, for the purposes aforesaid, the said two Justices, in case of an agreement, or the court of Quarter Sessions, after such Verdict, shall order an equal assessment to be made and levied upon all Occupiers of lands, tenements, and hereditaments, in the respective parishes, Townships, or Places, where such Highways shall lie, and direct the money to be paid to the Persons interested, as the said Justices, or Court of Quarter Sessions respectively, shall direct and appoint; and the money raised shall be employed and accounted for according to the order and direction of the said Justices or Court of Quarter Sessions, toward the purchasing the land to enlarge the said Highways, for the making the said ditches and fences and satisfaction for damages sustained: If the said Assessments be not paid within ten days after demand, they shall, by order of the Justices or Court of Quarter Sessions, be levied by the Surveyor in manner after mentioned: But no such Assessments made in any one year shall exceed 6*d.* in the pound of the yearly value of the lands, &c. assessed. *Same Stat.*

The Surveyor may sell old Highways, &c.

When such new Highway shall be made, the old Highway shall be stopped, and the land and soil sold by the Surveyor, with the approbation of the Justices, for the value thereof; but if such old road shall lead to lands which cannot, in opinion of such Justices, be accommodated with a convenient way and passage from such new Highway, the old Highway shall only be sold subject to the right of way and passage of such lands, according to ancient usage; and the money arising from such sale shall be applied towards the purchase of the land where such new Highway shall be made: and, upon payment or tender of the money to be agreed for, and certificate signed by the Justice, or Chairman of the Court of Quarter Sessions, describing the lands sold, expressing the sum agreed for, and directing to whom the same shall be

be paid, and upon the Purchaser's taking a receipt for such purchase-money from the person intitled to receive the same, by indorsement on the back of such certificate, the soil of such old Highway shall become the property of such purchaser; but all mines and fossils lying under the same shall continue to be the property of the person who would have been intitled to the same, if it had continued a public Highway. *Same Stat.*

In what Cases the Surveyor shall pay the Costs of an Appeal.

If such Jury shall give a verdict for more money, as a recompence for the right of any person in such lands, or the making such fences, or for damage sustained, than what shall have been offered by the Surveyor before application to the Court of Quarter Session; in such case the costs and expences attending the several proceedings shall be borne and paid by the Surveyor, out of the monies in his hands, or be assessed and raised under the powers of this Act; but if they shall deliver a verdict, or assessment for no more, or for less than shall have been so offered, the costs and expences shall be borne and paid by the persons who shall have refused to accept the recompence and satisfaction offered. *Same Stat.*

Justices may turn Highways, &c. and order old ones to be stopped up, &c.

If it appears upon the view of two Justices, that a public Highway, or public Bridleway, or Footway, may be diverted, so as to make the same nearer or more commodious to the Public, and the Owner of lands through which such Highway, Bridleway, or Footway is proposed to be made, shall consent thereto; such Justices may, by order at some Special Sessions, divert and turn such old Highway and Bridleway, and dispose of the same, and purchase the ground and soil for such new Highway, Bridleway, or Footway, by such ways, and subject to such exceptions and conditions, as are before-mentioned with regard to Highways to be widened or diverted.

Persons

Persons injured thereby may appeal to the Quarter Sessions.

Where any such Highway, Bridleway, or Footway, shall be so ordered to be stopped or inclosed, and such new Highway, Bridleway, or Footway, appropriated in lieu thereof, any person injured by such order or proceeding, or by the inclosure of any Road or Highway, by virtue of an Inquisition taken upon any writ of *ad quod damnum*, may complain thereof, by appeal to the Justices at the next General Quarter Sessions, after such order made or proceedings had, upon giving ten days notice in writing of such appeal to the Surveyor and Party interested in such inclosure, if there shall be sufficient time for that purpose; if not, such appeal may be made upon the like notice to the next subsequent Quarter Sessions, which Courts of Quarter Sessions are to hear and finally determine such appeal; and if no such appeal be made, or, being made, such order and proceedings shall be confirmed by the Court, the inclosures may be made, and the ways stopped, and the proceedings thereupon shall be binding and conclusive to all persons; and the new Highway, Bridleway, or Footway, so to be appropriated, shall be a Public Highway, Bridleway or Footway, to all intents whatsoever.

Old Highways. &c. not to be inclosed till the new ones are completed.

No inclosures of such old Highways, Bridleway, or stoppage of such Footway, shall be made, until such new Highways, Bridleway, or Footway, shall be completed, and put into good repair, and so certified by two Justices, upon view thereof; which certificate shall be returned to the Clerk of the Peace, and by him inrolled amongst the Records of the Court of Quarter Sessions; but after such certificate, such old Highways, Bridleways, or Footway, shall be stopped up, and the soil of such old Highways, or Bridleways, sold, in the manner, and subject to the reservations before-mentioned with respect to Highways to be enlarged or diverted by virtue of the Act. *Same Stat.*

Suits

Suits and Prosecutions to be commenced within Twelve Months.

Where any Highway, Bridleway, or Footway, hath been turned for twelve months, either from necessity, where the same have been destroyed by floods, or slips of the ground on which they were made, or from other motives; if new Highways, Bridleways, or Footways, have been made in lieu thereof, nearer or more commodious to the Public, and the same have been acquiesced in, and no suit or prosecution hath been commenced for the diverting or turning the same, every new Highway, Bridleway, or Footway, set out and used in the place of that so diverted and turned, shall from henceforth be the public Highway, Bridleway, or Footway, to all intents and purposes whatsoever: and all persons liable to the repair of such old Highways, Bridleway, or Footway, so diverted, shall in the same manner continue liable to the repair of such new Highways, Bridleway, or Footway, except where any agreement shall have been made, relative to such repairs, between the parties interested therein, which hath laid the burthen thereof upon any other person, in which case the agreement shall be observed. *Same Stat.*

How the old Highways, &c. shall be disposed of.

No common land between the fences of any old Highway shall be inclosed; and where the land lying between the fences of such Highway, not being common land, shall exceed thirty feet in breadth, and not extend to fifty feet in breadth, the same shall not be stopped up or inclosed until satisfaction shall be made to the owners of such land, for so much thereof as shall exceed the said breadth of thirty feet; and if the parties cannot agree in the satisfaction to be made, the same shall be adjusted by the Justices, or the Jury, if a Jury shall be empanelled; and if the land between the fences inclosing such Highways, not being common land, shall exceed fifty feet in breadth, upon a medium, or if the old road, so to be diverted, shall

shall lie through the open field or ground belonging to any particular person, such person, and also the person entitled to the land between the fences on the side of such Highways, shall hold and enjoy the land and soil of such old Highway, and pay to the Surveyor, for the use of the Highways, so much money as shall be agreed upon between the parties; or, if they cannot agree, so much as shall be adjudged by the Justices, or Jury, if such Jury shall be impanelled, to be adequate to the purchase of it, estimating such Highway at thirty feet in breadth, upon an average. *Same Stat.*

Differences arising concerning old Footways stopped up, and new ones laid out, how to be adjusted.

If any Footway shall be diverted through the land of the same person who owned the land where such old Footway lay, the same shall be adjudged an exchange only, and no satisfaction shall be made, unless the land to be used for such new Footway shall be of greater length, or of greater value, than the land used for such old Footway; and if the Footway shall not be turned through the lands belonging to the same person, the damage occasioned by such old Footway, if the parties interested shall not agree in adjusting the same, shall be adjudged by two indifferent persons, the one to be named by the Owner of the land, and the other by two Justices; and if the persons nominated cannot agree therein, they shall choose some third person to adjudge the same, whose determination shall be final; and the money at which such damages shall be assessed shall be applied in making satisfaction to the Owner of the land through which such new Footway shall be made. *Same Stat.*

Highways to be stopped up, if unnecessary.

If in any Parish, Township, or Place, where any Highway shall be turned, it shall appear to the Justices who are to view the same, that there are other Highways within such Parish, &c. besides that to be turned, which may, without inconvenience to the Public, be diverted into such

such new Highway by this Act authorised to be made, or into any other Highway within such Parish, Township, or Place; and the charge of repairing such Highway may be saved to such Parish, &c. and such Justices may order such Highway, that shall appear to them to be unnecessary, to be stopped up, and the soil thereof sold, in such manner, and subject to such restrictions, and such right of appeal to the party aggrieved thereby, as are before directed concerning the Highways to be stopped up or inclosed. *Same Stat.*

Surveyor to give Information of Persons liable by Tenure to repair in a limited Time.

Every Surveyor shall give Information, upon oath, to two or more Justices, of all such Highways, and of all Bridges, Causeways, or Pavements thereupon, as are out of repair, and ought to be repaired by any particular person or persons, &c. by reason of any grant, tenure, limitation, or appointment of any charitable gift; and the Justices shall limit a time for repairing the same: of which notice shall be given by the Surveyor to the Occupiers of the lands or tenements liable to such repairs, or to such other persons as are chargeable with the same: and if such repairs shall not be effectually made within the time limited, the Justices are required to present such Highways, &c. together with the persons liable to the repair thereof, at the next General Quarter Sessions; and the Court may direct the prosecution to be carried on at the general expence of such limit, and to be paid out of the general rates within such jurisdiction.

Justices of Assize, &c. may make Presentments, &c.

Every Justice of Assize, Justice of the Counties Palatine of Chester, Lancaster and Durham, and of the Great Sessions in Wales, may, upon his or their own view, and a Justice of the Peace, upon information on oath to him given by the Surveyor of the Highways, make presentment at their respective Assizes or Great Sessions, or in the open General Quarter Sessions, of any Highway, Causeway, or

Bridge, not well and sufficiently repaired, or of any other default or offence contrary to the provision and intent of this Statute; and all defects in the repair thereof shall be presented in such jurisdiction where the same do lie, and not elsewhere; and no such presentment, nor any indictment for any such default or offence, shall be removed by *Certiorari*, or otherwise, out of such jurisdiction, till such indictment or presentment be traversed, and judgment thereupon given, except where the duty or obligation of repairing the said Highways, Causeways, or Bridges, may come in question; and every such presentment shall be of the same force and effect in law, as if presented and found by the oaths of Twelve men; and for every default or offence so presented, the Justices of Assize, Counties Palatine, and Great Sessions, at their respective Courts, and the Justices of the Peace at their General Quarter Sessions, have authority to assess such fines as they shall think meet: Saying to the Persons affected by any such presentment their lawful traverse, as well with respect to the fact of non-repair, as to the duty or obligation of repairing the said Highways, as they might have had upon any Indictment presented and found by a Grand Jury; and the Justices of the Peace at their General Quarter Sessions, or the major part of them, may direct the prosecution upon such presentments as shall be made at the Quarter Sessions, to be carried on at the general expence of such limit, and to be paid out of the general rates within the same.

What Roads to be first repaired, &c.

The Justices at a Special Sessions, may, by writing under their hands and seals, order those roads which do most want repair, within their jurisdiction, to be first amended at what time, and in what manner the same shall be performed; according to which order the Surveyors of the said Highways are to proceed. *Same Stat.*

Justices

Justices to order Direction-Posts to be erected.

Where several Highways meet, and there is no proper or sufficient direction-post or stone already erected, the Justices, at some Special Sessions, shall issue their precept to the Surveyors, requiring them to cause to be erected, where such ways meet, a stone or post, with an inscription in large legible letters, containing the name or names of the next market-town or towns, or other considerable place, to which the said Highways lead; and also at the several approaches or entrances to such parts of any Highways as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water in the deepest part; and likewise such direction-posts or stones as they shall judge to be necessary, for the guiding of travellers in the best and safest tract; and the Surveyor shall be reimbursed the expences out of the monies received by him according to the direction of this Act: And if any Surveyor ~~shall~~ for the space of three months after such precept, neglect or refuse to cause any such stone or post to be fixed, as aforesaid, he shall forfeit Twenty Shillings. *Same Stat.*

Surveyors to take Materials for Repairs.

Every Surveyor of the Highways, is authorised to take and carry away so much of the rubbish, or refuse stones of any quarries, lying within his Parish, Township or Place (except such as shall have been got by the Surveyor of any Turnpike Road) for the amendment of the Highways, but not to dig or get stone in such quarry, without leave of the Owner; and may also in any common or waste ground, river, or brook, within the Parish or Place, or within any other Parish or Place wherein materials are likely to be found, search for and get the same, so as not to prejudice or damage any Building, Highway, or Ford; nor get the same out of any river or brook within the distance of one hundred feet above or below any bridge, nor within the like distance of any pond, dam, or wear; and likewise to gather stones lying upon any lands or grounds, within the Parish or Place where such Highway shall be,

for such service and purpose : and to carry away so much of the said materials as shall be thought necessary in the amendment of the said Highways, without making any satisfaction for the same ; but satisfaction shall be made for all damages done to the lands or ground of any person, by carrying away the same, in manner after directed, for getting and carrying materials in inclosed grounds ; but no such stones shall be gathered without the consent of the Occupier, or a licence from the Justice. *Same Stat.*

Beach excepted.

But no stones thrown up by the sea, to be gathered upon lands being private property, called *Beach*.

The Surveyor may take Materials from inclosed Lands or Grounds.

The Surveyor may also search for, dig, and get materials, if sufficient cannot conveniently be had within such commons or waste lands, in any of the several or inclosed lands or grounds of any person within the Parish or Place, (not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation), and carry away so much as shall be thought necessary for the amendment of the said Highways ; the Surveyor making such Satisfaction for the damage, as shall be agreed upon between him and the Owner, Occupier, or other person interested, in the presence, and with the approbation, of two or more substantial Inhabitants of the Parish or Place : And if they cannot agree, then such satisfaction and recompense shall be settled and ascertained by order of one or more Justices of the County, &c. where such ground shall lie : And in such places where, from the want of other materials, burnt clay may be substituted in the place thereof, the Surveyor may dig clay in such places as he is impowered to dig chalk or gravel, and dry the same upon the lands adjoining, and burn the same upon any waste lands, and carry such clay in such manner as materials are allowed to be carried, upon making such satisfaction for the damages done within the inclosed lands where such clay shall be placed

placed or carried, as herein directed with regard to other materials: And when the owner of any such inclosed lands shall have occasion for such materials for repair of any Highway, or Roads on his estate, or which he shall be under obligation to repair, and shall give notice to such Surveyor that he apprehends there will not be sufficient for those purposes, and also for the use of the public Highways; in such case, the Surveyor shall not be permitted to dig or take such materials without the consent of such Owner, or an order of two Justices, after having summoned and heard the Owner or Occupier; which Justices are to enquire into the nature and circumstances of the case, and to permit or restrain such power, in such manner, and under such directions, as to them shall seem just. *Same Stat.*

Assessments are to be made for buying Materials, &c.

Upon application of the Surveyor to the Justices, at their Special Sessions, and oath made of the sums he hath expended, or that will be required for the purposes aforesaid, the Justices shall, by warrant under their hands and seals, cause an equal assessment to be made for the purposes aforesaid, upon all Occupiers of lands, tenements, and hereditaments, within such Parish or Place where such money shall be laid out; and the same shall be collected by such person, and allowed in such manner, as the Justices, by their order at such Sessions, shall direct; and the money thereby raised shall be employed and accounted for, for the purposes before mentioned, and the assessment shall be levied in manner as after-mentioned: Provided no such assessment, in any one year, shall exceed the rate of Sixpence in the Pound of the yearly value of the lands and hereditaments so to be assessed. *Same Stat.*

The Surveyor is to fill up Pits or Holes, &c.

If any Surveyor, or Person employed by him, shall make any pit or hole in such lands or grounds, rivers, or brooks,

wherein such materials shall be found, such Surveyor or Person shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired, during such time as the pit or hole shall continue open; and shall, within three days after such pit shall be opened or made, where no gravel, or materials, shall be found, cause the same to be forthwith filled up, levelled, and covered with the turf or clod which was dug out of the same; and where such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up, sloped down, or fenced off, and so continued; and every Surveyor shall, within twenty days after he shall be appointed to that office, cause all the pits and holes which shall then be open, and not likely to be further useful, to be filled up, or sloped down, in manner aforesaid; and if they are likely to be further useful, he shall secure the same by posts, rails, or other fences, to prevent accidents; and if such Surveyor, or Person, shall neglect to fill up, slope down, or fence off, such pit or hole, he or they shall forfeit Ten Shillings for every such default: And if such Surveyor or Person shall neglect to fence off such pit or hole, or to slope down the same as before directed, for six days after notice for either of those purposes from any Justice, or from the Owner of such ground, river, or brook, or any Person having right of common within such common or waste lands, as aforesaid, and such neglect shall be proved upon oath before the said Justices, such Surveyor, or Person, shall forfeit not exceeding Ten Pounds, nor less than Forty Shillings, for every such neglect; to be determined and adjudged by such Justices, and to be laid out in the fencing off, filling up, or sloping down, such pit or hole, and toward the repair of the roads in the Parish, Township, or Place, where the offence shall be committed, in such manner as the Justices shall direct; which forfeiture, in case the same be not forthwith paid, shall be levied as other forfeitures are directed to be levied by this Act. *Same Stat.*

Time of removing Materials.

No stone, gravel, or materials, dug for the use of any other Parish, Township, or Place, than that wherein the same are found, shall be removed or carried from the place where they shall be so-dug at any other time than between April 1, and November 1, or in the time of hard frost.
Same Stat.

Penalty for damaging Mills, &c.

If any person shall dig materials for the Highways, whereby any Bridge, Mill, Building, Dam, Highway, Ford, Mines, or Tinworks, may be endangered; every offender therein shall forfeit not exceeding Five Pounds, nor less than Twenty Shillings, at the discretion of the Court or Justices before whom complaint shall be made.
Same Stat.

Statute Duty.

The Surveyor, and the Inhabitants and Occupiers of lands, tenements, and hereditaments, within each Parish, Township, or Place, shall, at proper seasons in every year, use their endeavours for the repair of the Highways, and shall be chargeable thereunto, as followeth, viz. Every person who keeps a waggon, cart, wain, plough, or tumbril, and three horses or beasts of draught used to draw the same, shall be deemed to keep a team, draught, or plough, and be liable to perform Statute-duty with the same, in the Parish, Township, or Place, where he resides, and shall, six days in every year, (if necessary) to be computed from Michaelmas to Michaelmas, send, on every day, and to every place, appointed by the Surveyor, one wain, cart, or carriage, furnished after the custom of the country, with oxen, horses, or cattle, and other necessities fit to carry things for that purpose, and also two able men with such wain, cart, or carriage; which duty shall excuse every such Person from his duty in such Parish or Place in respect of lands, tenements, or hereditaments,
not

not exceeding the annual value of fifty Pounds, which he shall occupy therein : And every Person keeping such team, draught, or plough, and occupying in the same Parish or Place, lands, tenements, or hereditaments, of the yearly value of Fifty Pounds, or beyond the yearly value of Fifty Pounds, in respect whereof such team-duty shall be performed ; and every such person occupying lands, tenements, or hereditaments, of the yearly value of Fifty Pounds, in any other Parish, Township, or Place, besides that wherein he resides ; and every other person not keeping a team, draught, or plough, but occupying lands, tenements, or hereditaments, of the yearly value of Fifty Pounds, in any Parish, Township, or Place, shall, in like manner, and for the same number of days, send one wain, cart, or carriage, furnished with not less than three horses, or four oxen and one horse, or two oxen and two horses, and two able men to each wain, cart, or carriage ; and, in like manner, for every fifty Pounds *per annum* respectively which every such Person shall further occupy in any such Parish, Township, or Place ; such wains, carts, or carriages, to be employed by the Surveyor in the repairing and amending the Highways within the Parish, Township, or Place, where such lands, tenements, or hereditaments lie. *Same Stat.*

Contribution in Money by Persons keeping a Team or not, who occupy Lands, &c. of less yearly Value than Fifty Pounds.

Every person who shall not keep a team, draught, or plough, but shall occupy lands, tenements, or hereditaments, under the yearly value of Fifty pounds, in the Parish, Township, or Place where he resides, or in any other Parish, Township, or Place ; and every person keeping a team, draught, or plough, and occupying lands, tenements, or hereditaments, under the yearly value of Fifty Pounds, in any other Parish, Township, or Place, than that wherein he resides, shall respectively contribute to the repair of the Highways, and pay to the Surveyor of such Parish, Township, or Place, in lieu of such duty, the sums following, *viz.* For every Twenty Shillings of the annual value of such lands, tenements, or hereditaments,

taments, One Penny, for every day's Statute duty which shall be required and called for by the Surveyor of such Parish, Township, or Place, in every year, not exceeding six days duty in the whole; and every such person shall, in like manner, pay One Penny for every Twenty Shillings of the annual value of the lands, tenements, and hereditaments, which he shall occupy in such Parish, Township, or Place, above the annual value of Fifty Pounds, and less than One Hundred Pounds; and so for every Twenty Shillings that each progressive and intermediate annual value of Twenty Shillings of the lands, tenements, and hereditaments, which he shall so occupy, shall fall short of the further increase of Fifty Pounds in every Parish, Township, or Place, where such lands, tenements, and hereditaments, shall lie, for every day's Statute Duty so to be required; which said sums shall be considered as compositions, and shall be paid to the Surveyor of the Parish, Township, or Place, in which they are charged, for the use of the Highways therein, at the time such compositions are to be paid by this Act, or within ten days after; or, in default of such payment, such money shall be levied by distress and sale of the goods and chattels of the person refusing to pay the same, in such manner as the forfeitures for the neglect in performing the Statute Duty are authorised to be raised: Provided, that no person keeping such team, draught, or plough, and performing duty with the same, in the Parish, Township, or Place where he resides, and not occupying lands, tenements, or hereditaments, within the same, of the yearly value of Thirty Pounds, shall be obliged to send more than one labourer with such team, draught, or plough. *Same Stat.*

Duty of Persons not keeping a Team, &c.

Every person who shall not keep a team, draught, or plough, but shall keep one or more cart or carts, and one or two horses or beasts of draught only, used to draw in each of such carts upon the Highways, shall be obliged to perform his Statute Duty for the like number of days with such carts, horses, or beasts of draught, and one labourer

to

to attend each cart, or to pay for the lands, tenements, and hereditaments, which he shall occupy, according to the rate aforesaid, at the option of the Surveyor. *Same Stat.*

Duty of Persons keeping a Coach, Post-Chaise, or other Wheel-Carriage.

Every person keeping a coach, post-chaise, chair, or wheel-carriage, and not keeping a team, draught, or plough, not occupying lands, tenements, or hereditaments, of the annual value of fifty Pounds in the Parish, Township, or Place where he shall reside, shall pay to the Surveyor One Shilling in respect of every such Day's Statute Duty, for every horse which he shall draw in such carriage, or shall pay according to the value of the lands, tenements, or hereditaments, which he shall occupy, according to the rate aforesaid, at the option of the Surveyor. *Same Stat.*

Duty of Persons not chargeable for Land, &c.

Every man inhabiting in any Parish, Township, or Place, and being of the age of eighteen, and under sixty years, not chargeable in any of the respects aforesaid for lands, tenements, or hereditaments, of the yearly value of Four Pounds or upwards, and not being *bona fide* an apprentice, or menial servant, nor having performed the said duty, or paid the composition for the same, in any other Parish, Township, or Place, for that year, shall, by themselves, or one sufficient labourer, for every one of them, upon every of the said days on which they shall be called forth by the Surveyor, together with the other labourers, work in the amendment of the said Highways, as they shall be directed by such Surveyor. *Same Stat.*

Men or Money may be sent in Lieu of a Team, at the Discretion of the Surveyor.

If the said teams, draughts, or ploughs, shall not be thought needful by the Surveyor on any of the said days, then every such person who should have sent any such team, draught, or plough, according to the directions aforesaid, shall, according to notice to be given as after directed, send

send unto the said work, for every one so spared, three able men, there to labour as aforesaid, or to pay to the said Surveyor the sum of Four Shillings and Sixpence in lieu thereof; and all such persons shall respectively have and bring with them such shovels, spades, picks, mattocks, tools, and instruments, as are useful for the purposes aforesaid; and all the said persons and carriages shall diligently perform the work to which they shall be appointed by such Surveyor for eight hours in every of the said days, within such Parish, Township, or Place, or in getting and carrying materials in and from any other Parish, Township, or Place, to be employed in the repair of the Highways of the Parish, Township, or Place for which they shall be required to perform such duty: And if any person sending a team shall not send a sufficient labourer besides the driver (except as before mentioned), or if any such labourer, or the driver of any cart, required by the Act to perform Statute Duty, shall refuse to work, during the time abovementioned, according to the direction of the Surveyor; or if any driver shall refuse to carry proper loads; such Surveyor may discharge every such team, cart, or labourer, and recover from the Owner of every such team or cart the forfeiture which such person would have incurred by this Act, in case no such team, cart, or labourer, had been sent. *Same Stat.*

Part of a Team may be called for by the Surveyor.

The Surveyor, where the employment for teams is of such sort that two horses will be sufficient for one cart, or where a stand cart with one horse shall be necessary, may call upon any person liable to send a team, draught, or plough, by virtue of the Act, who keeps carts, and three or more horses, to send such carts and horses, to perform his Statute Duty, as the Surveyor shall direct; and the Surveyor shall allow every such stand cart and horse as half a team, and every cart and two horses as two-thirds of a team; and if a waggon shall be found necessary for any particular business, the Surveyor may require the duty to be performed with such waggon, by any person who keeps one, which directions shall be observed, or the person, liable

liable to perform such duty, shall forfeit such sum as the duty so required of him shall bear, in proportion to the forfeiture hereby inflicted for every neglect in performing duty with a team, draught, or plough. *Same Stat.*

Notice of such Duty to be given by the Surveyor.

Every Surveyor shall, from time to time, give to, or cause to be left at the house or usual place of abode of every person or persons so liable to perform such duty, four days notice at the least, of the day, hour, and place, on which each of the said days duty shall be required. *Same Stat.*

Penalty for every Default or Neglect.

Every person making default in sending such wain, cart, or carriage, furnished as aforesaid, and such able men with the same, or in performing the said duty in manner directed, shall, for every such default or neglect in sending such wain, cart, or carriage, with such men, forfeit Ten Shillings; and for every default in sending every cart with one horse and one man, Three Shillings; and for not sending every cart with two horses and one man, Five Shillings. And every person or persons making default in sending any such labourer, and in performing such labour, at the time, place, and in manner directed by the Act, or in paying such composition-money for the same, shall, for every such neglect, forfeit One Shilling and Sixpence; all which forfeitures shall be applied for the use of the Highways within the Parish, Township, or Place, where the same shall arise; and the Surveyor shall fairly and equally demand such duty and labour from every person liable to perform the same, according to the directions of the Act, without favour or partiality: And if in any Parish, Township, or Place, it shall not be necessary to call forth the whole duty in any year, it shall be abated in a just and equal proportion amongst all persons liable to the same; and the Surveyor shall, with all convenient speed, after default made in performance of such duty, proceed for the recovery
of

of the penalties inflicted, in manner herein after directed.
Same Stat.

Compositions for Statute Duty.

Any person liable to perform the duty, by sending teams, draughts, or ploughs, with men, horses, or oxen, may compound for the same, if he shall think fit, by paying to the surveyor, at the time and in the manner aftermentioned, such sums as the Justices for the limit wherein such Parish, Township, or Place, shall be, at their Special Sessions, to be held in the first week after Michaelmas Quarter Sessions in every year, shall judge reasonable, not exceeding Six Shillings, nor less than Three Shillings for each team, draught, or plough, for each day; and in default of their adjudging the same, the sum of Four Shillings and Sixpence in lieu of every such days duty for each team, draught, or plough; and for every cart, and one horse, or beast of draught, Two Shillings; and for every cart with two horses or beasts of draught, Three Shillings, in lieu of every day's duty; and every Inhabitant liable to perform such labour, and not chargeable in any other respect, may compound for the same, if he shall think fit, by paying to the Surveyor Fourpence in lieu of every such day's duty or labour, at the time, and in the manner after directed. *Same Stat.*

Team Duty, or Labour in Kind, may be ordered by the Justices.

If it shall appear to the Justices, at their Special Sessions, to be held in the week next after Michaelmas Quarter Sessions, that there will be difficulty in procuring the necessary carriages, or a sufficient number of labourers, for the repair of the Highways, in any Parish, Township, or Place, within their limits, without paying extravagant prices for the same, such Justices may direct the Team Duty required, or so much thereof as they shall think fit, to be performed in kind, within every such Parish or Place, except in respect of such teams as belong to persons, who do not occupy lands, tenements, or hereditaments, of the annual value of Thirty Pounds within

within the same; and also order the labourers liable by the Act to compound for Statute Duty, or such part of them as they shall think fit, to perform six days labour upon such Highways in kind, in case so many days duty shall be required, upon being paid for such labour the usual wages given to labourers in such Parish, Township, or Place, deducting thereout Fourpence for each days duty so performed, being the composition allowed for labourers: Provided, that if part of such teams or labourers only are required, it shall be directed by the order of the Justices in some given proportion, as one half, third, or fourth part thereof; and every Surveyor shall in that case, at a public vestry for such Parish, Township, or Place, put the names of all the persons liable to send such teams into one hat or box, and the names of all the persons liable to perform such labour into another hat or box, and some Inhabitant then present shall draw out such number from each as shall be equal to the proportion ordered by the Justices, and the persons so drawn shall perform such duty in kind for that year; and if any such order shall be continued in the subsequent year, the same method shall be observed, but the names drawn in the preceding year shall not be put into such hat or box; and in every succeeding year such method and regulation shall be observed, but the names drawn in the preceding year shall not be put into such hat or box, and in every succeeding year such method and regulation shall be observed by such Surveyor, as to render the duty required to be performed in kind as equal amongst the persons liable as may be; which order of the Justices, so far as extended, shall supersede the power or liberty of compounding, and shall be binding to all intents, and continue in force until it shall be discharged by the Justices at some subsequent Special Sessions for the Highways within such limit, to be held in the week next after *Michaelmas* Quarter Session.

Same Stat.

Duty

Duty may be mitigated by the Justices.

If any Person who shall keep a team, draught, or plough, and shall not occupy lands, tenements, or hereditaments, to the value of Thirty Pounds *per annum*, in the Parish, Township, or Place, where he shall reside but shall in part maintain his horses and beasts of draught used in such team upon lands which he shall occupy in adjacent Parishes, the said Justices, at some Special Sessions, may mitigate the duty or composition required to be performed by such person, in such manner, and to such sum, as they shall think just.

Notice to be given of the Time and Place of Compounding.

The Surveyor shall, on some Sunday in November, cause ten days notice to be given in the Church or Chapel of such Parish or Place, and if there be no Church or Chapel, or no service performed therein, at the most public Place there, and repeat the like notice in such Church, Chapel, or Place, on the next succeeding Sunday, of the time and place when and where the persons permitted by this Act, and inclined to compound for the duty, in manner aforesaid, may signify to such Surveyor their intention to compound; and all persons signifying the same, who shall then, or within one calendar month afterwards, pay to such Surveyor the Composition allowed by the Act, shall be discharged from the performance of such duty; which composition-money shall be employed by the Surveyor for the use of the Highways; and no composition shall be permitted, unless the same shall be paid at the day, or within the time aforesaid; but in cases where the occupation of lands, tenements, or hereditaments, shall be changed, or any new Occupant shall come to reside in such Parish, Township, or Place, after the time appointed for such composition, the person occupying such lands, tenements, or hereditaments, or so residing in such Parish, Township, or Place, shall be allowed to compound in manner aforesaid, provided he shall pay the composition-money to the Surveyor within

fourteen days after he shall enter upon such lands, tenements, or hereditaments, or shall come to reside in such Parish, Township, or Place; and every tenant or occupier of lands, tenements, or hereditaments, who intends to quit the possession thereof within six calendar months from the time fixed for making such compositions, may compound for half the duty required, and the succeeding tenant may, in that case, perform the duty in kind for the other half thereof; and if the Surveyor shall receive from any person a composition for more duty than shall be required from the other Inhabitants and Occupiers within the same Parish, Township, or Place, for the same year, he shall repay such extraordinary composition-money to such person, so as to bring the duty to an equality amongst all Inhabitants and Occupiers liable to the duty. *Same Stat.*

Payment by Persons keeping Draught or Plough, and no Carriage

In every Parish, Township, or Place, where any person shall keep a draught or plough, and no carriage, he shall pay to the Surveyor One Shilling for every horse, or pair of oxen or neat cattle, used in such draught or plough, for every day's Statute-duty, on the day such duty is required to be performed, or pay according to the rate aforesaid for the lands, tenements, and hereditaments, which he shall occupy, in such Parish, Township, or Place, at the option of the Surveyor.

Times when Statute-duty shall not be performed.

The Inhabitants of every Parish, Township, or Place, at some Vestry or public Meeting, to be held pursuant to the Act, may appoint three months in every year within which no Statute-duty shall be called forth; viz. one month in the Spring, to be called The Seed Month; one Month in the Summer, for the Hay Harvest; and one other month in the Summer for the Corn Harvest: Provided that notice, in writing, be given of the times
so

so appointed, to the Surveyor of such Parish, Township, or Place, and also to the Surveyor of every Turnpike Road lying within the same, within three days after every such meeting, and fourteen days at least before the beginning of each of such month. *Same Stat.*

Money received and due to Turnpike Roads, to be paid to the Treasurer of such Turnpike Roads by the Surveyor.

And where by several Acts concerning Turnpike Roads, a certain part of the Statute-duty is directed to be performed on such Roads, and it may happen, in some places, that the several Persons liable thereto may have compounded for the same, it is enacted, that in all such cases the Surveyor for the Parish or Place where such composition shall have been made, shall pay to the Treasurer or Surveyor of such Turnpike Roads a certain part of the composition-money so received, to be proportioned according to the number of days duty which such person was liable to perform on such Turnpike Road; which money shall be expended on such part of the said Turnpike Road as lies within the Parish, or Place, from which it was received, and not elsewhere; and if such Surveyor shall refuse to pay to the Treasurer or Surveyor of such Turnpike Road such part of the money so received by him, within twenty days after he shall have received the same, upon demand made by such Treasurer or Surveyor, the same may be levied upon the goods and chattels of such Surveyor, in such manner as penalties are authorised to be levied by this Act. *Same Stat.*

If the Statute-Duty and Money not sufficient, the Justices may order an Assessment.

If upon application of the Surveyor of each Parish or Place to the Justices of the Peace for the limit wherein such Parish or Place lies, at their General or Quarter Sessions, or at some Special Session for the Highways, the Justices shall be fully satisfied, by proof upon oath, that the duty directed, and the money authorised to be collected,

lected, has been performed, applied and expended, according to the directions of the act, or shall be fully satisfied that the common Highways, Bridges, Causeways, Streets or Pavements, belonging to such Parish or Place, are so far out of order that they cannot be sufficiently amended, paved, and supported, by the means before prescribed, (notice being first given of such intended application at the Church or Chapel of such Parish or Place, on some Sunday preceding such Quarter or Special Sessions, or, if the Place be extraparochial, notice in writing, being first given of such intended application to some of the principal inhabitants residing in such extraparochial Place, a week at least before such General or Special Sessions;) then an equal assessment upon the occupiers of lands, tenements, and hereditaments, within any such Parish or Place, shall be made and collected by such Person, and allowed in such manner, as the Justices by their order, at such General or Special Sessions, shall direct in that behalf; and the money raised shall be employed and accounted for, according to the directions of the Justices, towards the amending, repairing, paving, and supporting such Highways, Causeways, and Streets, from time to time. *Same Stat.*

Such Assessment not to exceed Ninepence in the Pound.

The assessment last before authorised, and the assessment before authorised, for buying materials, making satisfaction for damages, erecting guide-posts, and paying the Surveyor's salary, shall not together, in any one year, exceed the rate of Ninepence in the pound of the yearly value of the lands, tenements, woods, tythes, and hereditaments, so to be assessed. *Same Stat.*

How Penalties, &c. under this Act are to be applied.

No fine, issue, penalty, or forfeiture, for not repairing the Highways, or not appearing to any indictment or presentment for not repairing the same, shall be returned into the Exchequer, or other Court, but shall be levied by and paid into the hands of such person residing near
the

the Parish, Township, or Place, where the road shall lie, as the Court imposing such fines, issues, penalties, or forfeitures, shall direct, to be applied towards the repair and amendment of such Highways; and the person so ordered to receive such fine, shall receive, apply, and account for the same, according to the direction of such Court, or, in default thereof, shall forfeit double the sum received; and if any fine, issue, penalty, or forfeiture, to be imposed on such Parish or Place, for not repairing the Highways, or not appearing, shall be levied on any one of the inhabitants of such Parish or Place, such inhabitant may make his complaint to the Justices, at their Special Sessions; and they are, by warrant under their hands and seals, to cause a rate to be made, according to the form and manner last before prescribed, for the reimbursing such inhabitant the monies so levied on him as aforesaid; which rate so made, and confirmed by two Justices, shall be collected by the Surveyor of the Highways of such Parish or Place so presented or indicted; and the Surveyor shall, within one month next after the making and confirming the rate aforesaid, collect, levy, and pay unto such inhabitant the money so levied on him as aforesaid. *Same Stat.*

Surveyors to keep Books, and enter Accounts of all Money received and paid.

The Surveyor of the Highways for every Parish or Place, shall carefully and diligently collect the several assessments, forfeitures, penalties, sums, and compositions, directed and allowed to be received and taken within the same by this Act, within the year for which he is appointed Surveyor, and shall keep books, in which he shall fairly enter a just and fair account of all such money as shall come to his hands, or to the hands of the assistant, in respect of such Parish or Place, and to whom, and on what occasion, he shall have paid the same; and shall also enter into such books, lists of all such sums as shall then remain due from any person, in respect of the payments, compositions, assessments, or forfeitures, to be collected or taken in respect of the said Highways, by virtue of the

Act, and the said Surveyor shall also enter in the books an account of all tools, materials, implements, and things, provided by order of the inhabitants, at a vestry or public meeting for the repair of Highways, at the public expence of such Parish or Place; and shall produce such books, and the assessments made within that year, unto the inhabitants of the Parish or Place to which they belong, at a vestry or public meeting to be held for that purpose, within fifteen days before the said Special Sessions so to be held in the week next after *Michaelmas* Quarter Sessions, to the intent that the said accounts, assessments, and lists may be inspected by the inhabitants of such Parish, Township, or Place; and every such Surveyor shall, after the said books and assessments shall have been produced at such meeting, take the same to such Justice for the limit wherein such Parish, Township, or Place doth lie, and on such day, and at such hour, as shall be agreed upon at such meeting, some day after the meeting of the inhabitants, and before such Special Sessions, and then and there verify such account, upon oath, if required; and such Justice may allow such account, if he finds it just, or postpone it until such Special Sessions, if he finds cause for so doing, in which case it may be settled and allowed at such Special Sessions, after the parts objected to by such Justice shall have been explained and verified by proper evidence, to the satisfaction of the Justices at such Special Sessions; and in case any articles contained in such accounts shall not be explained and proved to the satisfaction of such Justices, they may disallow the same; and when the accounts shall be so settled and allowed, or disallowed, all such books and assessments shall be transmitted to the Churchwarden or Overseer of the Poor of such Parish or Place, or, if the place be extra-parochial, to some principal inhabitant, to be kept for the use of such Parish, Township, or Place; and the said Surveyor shall forthwith deliver a duplicate of such book and account, together with all sums that shall remain in his hands, and likewise all tools, materials, implements, and things, to the succeeding Surveyor of such Parish, Township, or Place, in case any new Surveyor shall be appointed, or retain the same in his hands, and account for them in his
next

next account, if he shall be continued Surveyor for such Parish, Township, or Place, in the succeeding year. *Same Stat.*

The new Surveyor to collect Arrears, &c.

The succeeding Surveyor is hereby authorised to recover, collect, and receive, all such sums which shall be owing as aforesaid, by all such ways and means, as fully to all intents, as the preceding Surveyor could, or ought to have recovered, collected, or received the same: and in case such Surveyor shall neglect to provide such books, or to enter such accounts and lists, or to deliver the said books, and such duplicate, and assessments, tools, materials, implements, and things in manner aforesaid, he shall for every offence forfeit not exceeding Five Pounds, nor less than Forty Shillings; and in case he shall make default in the paying or accounting for the money remaining in his hands, within the time, and according to the directions aforesaid, he shall forfeit double the value of the money which shall be adjudged by the Justices to be in his hands; and in case such Surveyor shall die before such accounts and lists shall be made out, or such monies, books, assessments, tools, materials, and implements, shall be delivered and paid, the executors or administrators of such Surveyor shall make out, and deliver the same, in like manner, and under the like penalty, as such Surveyor is required and made liable to. *Same Stat.*

Fees to be paid by Surveyor.

Every Surveyor shall pay to the Justices clerks, for the appointment and charge, One Shilling; for the bond, Sixpence; and for the account so to be examined and taken, and for the oath so to be administered, One Shilling, and no more; and if any Person shall receive any greater sum or fee for the business aforesaid than before mentioned, he shall forfeit Ten Pounds for every offence. *Same Stat.*

Surveyor to contract for Materials, &c.

In every Parish, Township, or Place, where a sufficient quantity of stone, gravel, chalk, or other materials, cannot

not be provided and carried by the labourers and teams required to perform Statute-duty within such Parish, Township, or Place, the Surveyor shall contract for the getting and carrying thereof (in the presence of the Assistant), at a meeting to be held for that purpose, of which ten days notice in writing shall be given, by fixing the same upon the door of the Church or Chapel of such Parish, Township, or Place, or, if there be no Church or Chapel, at the most public place there; which notice shall specify the work to be done, and the time and place for letting thereof; and if any Surveyor shall have any part or interest, directly or indirectly, in such contract or bargain, for work or materials to be made or provided, for or on account of any of the Highways, Roads, Bridges, or Works, under his care or management, or shall, upon his own account, directly or indirectly, let to hire any team, or sell or dispose of any timber, stone, or materials, to be used in making or repairing such Roads, Bridges, or Works (unless a licence, in writing, for the sale of such materials, or to let to hire any such team, be first obtained from some Justice within that limit), he shall forfeit, for every offence, Ten Pounds, and be for ever after incapable of being employed as a Surveyor with a salary. *Same Stat.*

Penalty on Surveyors neglecting their duty.

If any Surveyor of the Highways, after his acceptance of the office, shall neglect his duty in any thing required, for which no penalty is imposed, he shall forfeit for every offence, not exceeding Five Pounds, nor less than Ten Shillings; at the discretion of the Justice having jurisdiction therein. *Same Stat.*

Lands given for Maintenance of Highways, &c. may be let to Farm.

Where any lands have been given for the maintenance of Causeways, Pavements, Highways and Bridges, all Persons who are or shall be enfeoffed with such lands, shall let

let them to farm at the most improved yearly value, without fine; and the Justices in their open Sessions may inquire, by such ways and means as they shall think fit, into the value of all such lands so given, and order the improvement and employment of the rents and profits thereof according to the will and direction of the donor of such lands, if they find that Persons so intrusted have been negligent in the performance or trust (except such lands have been given for the uses aforesaid to any College or Hall in either of the Universities of the kingdom, which have visitors of their own.) *Same Stat.*

Penalty on Persons damaging Banks, &c.

Every person who shall be guilty of pulling up, removing, cutting down, or damaging posts, blocks, or stones, fixed on the sides of Highways, or upon the battlements of Bridges, &c. shall, upon complaint thereof made to any Justice of the Peace of the limit where the same shall be proved to be done, by the oath of a credible witness, or upon view of the Justice himself, forfeit for every offence, not exceeding Five Pounds, nor less than Ten Shillings, and in default of payment thereof shall be committed to the House of Correction of such limit, there to be whipped, and kept to hard labour for any time not exceeding one calendar month, nor less than seven days. *Same Stat.*

Justices of Corporations are to put the Act in Execution.

The Justices of the Peace of all Cities, Corporations, Boroughs, and Places, are required to put in execution every part of the Act within their jurisdiction. *Same Stat.*

No Salary to be allowed without Consent of Leaseholders.

Nothing shall empower Justices for any City, Town Corporate, or Borough, to fix any salary to or for any Surveyor to be appointed by such Justice, other than such salary as shall be agreed upon by two parts out of three of
the

the Persons assembled in the Parish or Place, within such City, Town Corporate, or Borough, for which such Surveyor shall be appointed, according to the direction of the Act. *Same Stat.*

Number of Horses allowed for Waggon and Carts.

No Waggon, having the sole or bottom of the fellies of the wheels of the breadth of nine inches, shall go or be drawn with more than eight horses; and no Cart, having the sole or bottom of the fellies of the wheels thereof of the breadth of nine inches, shall be drawn with more than five horses; and no Waggon, having the sole or bottom of the fellies of the wheels of the breadth of six inches, and rolling on each side a surface of nine inches, shall be drawn with more than seven horses; and no such Waggon rolling a surface of six inches only, shall go or be drawn with more than six horses; and no Cart, having the sole or bottom of the fellies of the wheels of the breadth of six inches, shall go or be drawn with more than four horses; and no Waggon having the sole or bottom of the fellies of the wheels of less breadth than six inches, shall go or be drawn with more than five horses; and no Cart having the sole or bottom of the fellies of the wheels of less breadth than six inches, shall go or be drawn with more than three horses upon such Highways, under the pains, penalties, and forfeitures in this Act mentioned. *Same Stat.*

Penalty on the Owner offending.

The Owner of such Waggon or Cart shall forfeit Five Pounds, and the Driver, not being the Owner, Ten Shillings, for every horse or beast which shall be so drawing above the number limited as aforesaid, to the sole benefit of the Informer; but Carriages moving upon wheels or rollers, of the breadth of sixteen inches on each side thereof, with flat surfaces, are allowed to be drawn with any number of horses or other cattle. *Same Stat.*

Informations

Informations for this Offence to be laid in three Days, &c.

No prosecution shall be commenced before a Justice, by way of information, for any forfeiture incurred by the Owner or Driver of a carriage, having a greater number of horses than are allowed by the Act, unless such information be laid within three Days after the offence committed. *Same Stat.*

Actions to be commenced in a Month.

No Action shall be commenced for such offence, unless the same be commenced within one calendar month after the offence committed; and neither such Information or Action shall be laid unless notice shall be given by the Informer to the Driver of such Carriage, on the day upon which the offence shall be committed, of an intention to complain of such offence; and if it shall appear to the Justice before whom such complaint shall be made, that the Offender lives so remote as to make it inconvenient to summon him to appear before such Justice, the Justice may dismiss the complaint, and leave the Informer to his remedy by action at law. *Same Stat.*

Justices may license additional Horses.

The Justices, at their General Quarter Sessions, to be held in the week after Michaelmas, may license, in such manner, and for such time, as they shall think fit, an increase of the number of horses to be used in carriages up any steep hill, or on any road not Turnpike, within their jurisdiction, over and above the number before limited, if, upon inquiry into the state of such Roads, they shall find an additional number of horses necessary; and, from time to time, at any Michaelmas Quarter Sessions, may revoke, alter, or vary the same. *Same Stat.*

The Justices may stop Proceedings on account of Ice or deep Snow.

If it shall appear upon the Oaths of credible witnesses, to the satisfaction of any Justice or of any Court authorized

rised to enforce the execution of the Act, that any Waggon, Cart, or Carriage, could not, by reason of deep snow or ice, be drawn by the number of horses or beasts of draught hereby allowed; then such Justice or Court may stop all proceedings before them for the recovery of any forfeiture which may have been incurred by drawing with a greater number of horses or beasts of draught than are allowed; provided that the regulations before mentioned, concerning the number of horses, and wheels of carriages, shall not be deemed to extend to Carts, Waggons, or Carriages, employed only in carrying one stone, block of marble, cable-rope, piece of metal, or piece of timber, or to such ammunition as shall be for his Majesty's service. *Same Stat.*

Two Oxen are to be deemed as one Horse.

Two oxen or horned cattle shall, for all the purposes of the Act, be considered as one horse. *Same Stat.*

The Owner of every Waggon, &c. to paint his Name thereon, &c.

For the better discovery of Offenders, the Owner of every Waggon, Wain, or Cart, and also of every Coach, Post-Chaise, or Carriage, let to hire, shall paint, upon some conspicuous part of his Waggon, Wain, or Cart, and upon the pannels of the doors of all Coaches, Post-Chaises, or Carriages, before the same shall be used, his Christian and Surname, and the place of his abode, in large legible letters, and continue the same thereupon, so long as such Waggon, Cart, Coach, Post-Chaise, or Carriage, shall be used; and the Owner of every Common Stage Waggon or Cart, employed as travelling Stages from town to town, shall, over and above his Christian and Surname, paint, on the part, and in the manner aforesaid, the following words, Common Stage Waggon, or Cart, as the case may be; and every Person using any such Carriage upon any Highway, without the names and descriptions painted thereon, as aforesaid, or who shall paint any false or fictitious name, or place of abode, on such Waggon, Wain,

Wain, Cart, Coach, Post-Chaise, or Carriage, shall forfeit, for every offence, not exceeding Five Pounds, nor less than Twenty Shillings. *Same Stat.*

Drivers of carriages punishable for Misbehaviour or Negligence

If the driver of any cart, car, dray, or waggon, shall ride upon any such carriage in any Street or Highway, not having some other person on foot, or on horseback, to guide the same (such carriages as are conducted by some person holding the reins of the horse or horses drawing the same excepted); or if the Driver of any carriage whatsoever, on any part of any Street or Highway, shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such Street or Highway, or shall quit the Highway, and go on the other side of the hedge or fence inclosing the same; or wilfully be at such distance from such carriage whilst it shall be passing upon such Highway, that he cannot have the direction of the horses or cattle drawing the same; or shall, by negligence or wilful misbehaviour, prevent, hinder, or interrupt the free passage of any other carriage, or of His Majesty's subjects, on the said Highways; or if the Driver of any empty or unloaded waggon, cart, or other carriage, shall refuse or neglect or turn aside or make way for any coach, chariot, chaise, loaded waggon, cart, or other loaded carriage; or if any person shall drive, or act as the Driver of, any such coach, post-chaise, or other carriage, let for hire, or waggon, wain, or cart not having the Owner's name, as before required, painted thereon, or shall refuse to discover the true Christian and Surname of the Owner of such respective carriages, every such Driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of Peace, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace of the limit where such offence shall be committed, shall, for every such

such offence, forfeit any sum not exceeding Ten Shillings, in case such Driver shall not be the Owner of such carriage; and in case the Offender be the Owner of such carriage, then any Sum not exceeding Twenty Shillings: And in either of the said cases shall, in default of payment, be committed to the House of Correction for any time not exceeding one month, unless the same shall be sooner paid; and every such Driver, offending in either of the said cases, shall and may, by authority of this Act, with or without any warrant, be apprehended by any person or persons who shall see such offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace, to be dealt with according to law. *Same Stat.*

Justices may hold and adjourn any Special Sessions whenever they think fit

Two or more Justices of the Peace within their respective limits, are hereby empowered, from time to time, whenever they shall judge proper, to hold any Special Sessions, besides that herein before directed, for executing the purposes of the Act, and to adjourn the same from time to time as they shall think fit, causing notice to be given of the time and place of holding such Special Sessions, and of the adjournments thereof, to the several Justices acting and residing within such limits, by the High Constable or other two Justices. *Same Stat.*

Alehouses are not to be kept on Bridges, where Tolls are taken.

For preventing obstructions, which frequently happen by stopping carriages on or near public Bridges, it is enacted, that if any person or persons collecting any tolls payable for passing over any public Bridge with carriages or cattle of any kind, shall keep any victualling-house, alehouse or other place of public entertainment, or shall sell, or permit to be sold thereon, any wine, beer,

beer, ale, cyder, spirituous liquors, or other strong liquors, by retail, he, she, or they, being lawfully convicted, of such offence, by the oath of one or more credible witnesses or witnesses, or by his own confession before any Justice of the Peace of the limit wherein such offence shall be committed; shall, for every such offence, forfeit the sum of Five Pounds. *Same Stat.*

Penalty for Incroaching on Highways.

Inconveniencies having arisen from making Bridges, or other fences, and from ploughing or breaking up the soil of lands or grounds near the middle or centre of Highways: To remedy the same it is enacted, That if any person shall incroach by making, or causing to be made, any hedge, ditch, or other fence on any Highway, not being a Turnpike Road, within the distance of fifteen feet from the middle or centre thereof; or shall plough, harrow, or break up the soil of any land or ground, or in ploughing or harrowing the adjacent lands shall turn his plough in or upon any land or ground, within the distance of fifteen feet from the middle or centre of any Highway, where the breadth of such Highway is formed and marked, or described with certainty, and does not exceed in breadth thirty feet; every person so offending shall forfeit, for every such offence, Forty Shillings to the Informer. *Same Stat.*

Such Incroachment may be removed by the Surveyor.

And it shall be lawful for the Surveyor of the Highways of that limit to cause such hedge, ditch, or fence, to be taken down or filled up, at the expence of the person to whom the same shall belong: And any Justice where such offence shall be committed, upon proof made to him upon oath, may levy, as well the expences of taking down such hedges, as the several penalties imposed, by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are authorised to be levied by this Act. *Same Stat.*

Casts

Costs to be awarded by the Court, where an Indictment is tried for not repairing Highways.

The Court before whom any indictment shall be tried for not repairing Highways, may award Costs to the Prosecutor, to be paid by the person so indicted, if it shall appear to the Court, that the defence made to such indictment was frivolous; or award costs to the person indicted or presented, to be paid by the Prosecutor, if it shall appear to the Court that such prosecution was vexatious. *Same Stat.*

The Expence of Prosecutions, &c. how to be paid.

If the Inhabitants of any Parish, Township, or Place, shall agree at a Vestry, or Public Meeting, to prosecute any Person by indictment for not repairing any Highway within such Parish, Township, or Place, which they apprehend such person was obliged by law to repair, or for committing any nuisance upon Highways, or shall agree at such Vestry Meeting to defend an indictment or presentment preferred against such Parish, Township, or Place; the Surveyor of such Parish, Township, or Place, may charge in his account the reasonable expences incurred in carrying on such prosecutions, after the same shall have been agreed to by such Inhabitants at a Vestry or Public Meeting, or allowed by a Justice within the limit where such Highway shall be; which expences shall be paid by such Parish, Township, or Place, out of the fines, forfeitures, compositions, payments, and assessments, authorised to be collected by this Act. *Same Stat.*

Notice to be given of intended Vestries, or Public Meetings, &c.

In all cases where a Vestry or Public Meeting of the Inhabitants of any Parish, Township, or Place, is authorised by the Act, there shall be public notice given of the day, hour, and place, of holding such Meeting, at the Church

Church or Chapel of such Parish, Township, or Place, on the Sunday preceding such Meeting, and also notice thereof in writing, specifying the purpose of such Meeting, fixed at the same time upon the door of such Church or Chapel, and the same shall not be held till three days at least after such notice given; and if there be no Church or Chapel, the like notice of such Meeting shall be given in writing, and put up at the most public place therein, three days at least before such Meeting. *Same Stat.*

Assessments to be levied by Distress and Sale.

If any person shall refuse to pay the sums assessed upon him by any assessment to be made in pursuance of this Act, within ten days after demand thereof made, the same may be levied by the Surveyor, or any person authorised by warrant under the hand and seal of a Justice of the Peace, having jurisdiction therein, by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the overplus to the owner thereof, the necessary charges of making such distress and sale being first deducted; and in default of such distress, any Justice may commit the Person so refusing to the Common Gaol, until he shall have paid the sum so assessed, and the costs and charges occasioned by such neglect. *Same Stat.*

The Surveyor a good Witness in Matters concerning this Act.

The Surveyor of any Parish, Township, or Place, shall be deemed, in all cases, a competent witness in matters relative to the execution of this Act, notwithstanding his salary may arise in part from the forfeitures hereby inflicted. *Same Stat.*

No Objection for want of Form.

The forms of proceeding relative to the matters contained, which are expressed in the Schedule annexed to this Act, shall be used, upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and no objection shall be made, or advantage taken, for want of form in such proceedings. *Same Stat.*

Abstracts to be given to Surveyors.

The Justices, within their limits, shall, at every Special Sessions to be held in the week next after the Michaelmas General Quarter Sessions, procure and deliver a printed abstract of the most material parts of the Act to every Surveyor to be then appointed by them, as the charge hereby directed to be given; and shall also, at their said Special Sessions, to be held in the year 1773, deliver to every of the Surveyors, one other of the said printed abstracts, for the use of the Parish, Township, or Place for which the Surveyor shall be appointed; which last-mentioned abstract the Surveyors are ordered to fix on the Church or Chapel door, or other public place, within the respective liberties, on the next Sunday after they shall so receive the same; and the Surveyors shall severally pay to the Justices's Clerks Six Pence for each of the said printed abstracts. *Same Stat.*

Penalty for resisting the Execution of this Act.

In case any person shall resist or make forcible opposition against any person employed in the due execution of the Act, or make rescue of the cattle or other goods distrained; or if any Constable, Headborough, or Tithingman, shall refuse to execute any warrant granted by any Justice pursuant to the directions of the Act; such person offending therein, and being thereof convicted by a Justice, shall, for every offence, forfeit not exceeding Ten Pounds, nor less than Forty Shillings, at the discretion of

of the Justice before whom he shall be so convicted; to be paid to the Surveyor of the Highways for the Parish or Place where the offence was committed, to be laid out in the repair of the Highways: And in case he do not forthwith pay, or secure to be paid, the said forfeiture, after conviction, then such Justice may commit such person to the Common Gaol, or House of Correction, of the limit where such offence shall be committed, for any time not exceeding three months, unless the said forfeiture shall be sooner paid. *Same Stat.*

Penalties to be levied by Distress and Sale.

All penalties and forfeitures by the Act imposed for any offence against the same, and all costs and charges to be allowed and ordered by authority of the Act (the manner of levying and recovering of which is not otherwise particularly directed), shall be levied by distress and sale of the goods and chattels of the offender, or person liable or ordered to pay the same, by warrant under the hand and seal of some Justice for the limit where such offence, neglect, or default, shall happen, or such order for payment of such costs or charges shall be made, rendering the overplus of such distress (if any be) to the party, after deducting the charges of making the same; which warrant such Justice is impowered to grant upon conviction of the offender, by confession, or upon the oath of credible witnesses, or upon order made, as aforesaid; and the penalties, when so levied, shall be paid, the one half to the informer, and the other to the Surveyor of the Highway where such offence or default shall happen; to be applied towards the repair thereof, unless otherwise directed by the Act; but in case the surveyor shall be the informer, then the whole shall be employed toward the repair of such Highway: And in case such distress cannot be found, and such penalties, or the costs and charges, forthwith paid, such Justice, by warrant under his hand and seal, may commit such offender, or person liable to pay the same, to the Common Gaol, or House of Correction, of the limit where the offence shall be committed, or such order shall be made, for any time not exceeding

three months, unless the said penalty, costs, and charges, shall be sooner paid. *Same Stat.*

If the Offender lives in another Jurisdiction.

If such offender, or person liable to pay the same, shall live out of the jurisdiction of the Justice authorised to grant such warrant, any Justice of the Peace of the limit wherein such person shall inhabit is required, upon a true copy of the conviction whereby such forfeiture was incurred, and of the order for the payment of such costs and charges, produced and proved by a credible witness upon oath, by warrant under his hand and seal, to cause the penalty mentioned in such conviction, and the costs and charges mentioned in such order, or so much thereof as shall not have been paid, to be levied by distress and sale of the goods and chattels of such offender, or person liable to pay the same as aforesaid; and if no sufficient distress can be had, may commit such offender, or person liable as aforesaid, to the Common Gaol of such limit, for the time, and in manner aforesaid. *Same Stat.*

When Warrant of distress to issue.

No warrant of distress, unless directed by the Act, shall be issued for levying any penalty, costs, or charges, until six days after the offender shall have been convicted, and an order served upon him for payment thereof. *Same Stat.*

How a Prosecutor may proceed for the Forfeiture.

Every prosecutor or informer may, at his election, sue for and recover any forfeiture imposed by the Act which shall amount to Forty Shillings or upwards (the manner of recovery thereof not being particularly directed by the Act), either in the manner before directed, or by action at law, to be brought by such informer in any Court of Record in manner following, *viz.* Where any person shall be liable to such pecuniary penalty, it shall and may be lawful to sue for and recover the same by action of debt,
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in which it shall be sufficient to declare,¹ that the defendant is indebted to the plaintiff in the sum of ——— being forfeited by an Act, passed the 13th George III. intituled, "An Act to explain, amend, and reduce " into one Act of Parliament, the Statutes now in being " for the amendment and preservation of the Public " Highways within that part of Great Britain called " England, and for other purposes;" and the plaintiff, if he recovers in such actions, shall have double costs. *Same Stat.*

What notice necessary of commencing an action.

There shall not be more than one recovery for the same offence; and ten days notice in writing shall be given to the party offending previous to the commencement of such Action; which must be commenced within one calendar month after the offence for which such action is brought, shall have been committed. *Same Stat.*

What deemed sufficient Evidence of Conviction.

No conviction shall be made by virtue of the Act, unless upon confession of the party accused, or upon the oath of credible witnesses, or upon the view of a Justice in the cases before mentioned; and any Inhabitant of a Parish, Township, or Place, in which an offence shall be committed contrary to the Act, shall be deemed a competent witness, notwithstanding his being an Inhabitant of such Parish, Township, or Place. *Same Stat.*

Justices may administer an Oath.

Any Justice may administer an Oath to Witnesses, or other Persons, for the better discovery and execution of the several matters before directed to be examined, inquired into, or performed, by such Justice. *Same Stat.*

Distress not unlawful for want of Form.

Where any distress shall be made for sums to be levied by virtue of the Act, the distress itself shall not be deemed unlawful

unlawful, nor the party making the same be deemed a trespasser, on account of want of form in any proceeding relating thereto; nor shall the party distraining be deemed a trespasser *ab initio*, on account of irregularity afterward done by the party distraining; but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case. *Same Stat.*

If Amends tendered, the Plaintiff not to recover, &c.

No Plaintiff shall recover in any Action for irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made on the behalf of the party who shall have committed such irregularity or wrongful proceeding, before such Action brought; and in case no such tender shall be made, the Defendant in such Action, by leave of the Court where such Action shall depend, at any time before issue joined, may pay into Court such sum as he shall see fit, whereupon such proceedings or orders, and judgment, shall be had, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay money into Court. *Same Stat.*

Persons aggrieved may appeal to the Quarter Sessions.

If any Person shall think himself aggrieved by any thing done by any Justice or other person, in the execution of the powers given by this Act, and for which no particular method of relief is appointed, every such Person may appeal to the Justices, at any General Quarter Sessions to be held for the limit wherein the cause of such complaint shall arise, such Appellant giving notice in writing of his intention to bring such appeal, and of the matter thereof, to the Justice, or Person against whom such complaint shall be made, within six days after the cause of such complaint arose; and within four days after such notice, enter into recognizance before some Justice within such limit, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the Justices at such Quarter Sessions; and

and every Justice and other Person, having received notice of such appeal, shall return all proceedings had before them touching the matter of such appeal to the Justices, at their General Quarter Sessions, on pain of forfeiting Five Pounds for every such neglect; and the Justices, at such Session, upon due proof of such notice being given, and of the entering upon such recognizance, shall hear and finally determine the causes of such appeal in a summary way, and award such costs to the Parties appealing as they shall think proper, to be levied and recovered as before directed; and the determination of such Quarter Sessions shall be final and conclusive to all intents and purposes; and no proceedings to be had in pursuance of the Act shall be quashed for want of form, or removed by *certiorari*, or any other writ (except as before mentioned), into any Court of Record at Westminster: Provided that no such appeal shall be made against any conviction for a penalty or forfeiture incurred by virtue of the Act, unless the Person convicted shall, at the time of conviction, if he shall be then present, if not, within six days after, give notice of his intention to appeal, and at the same time enter into recognizance with sufficient sureties to pay such penalty, in case such conviction shall be affirmed upon such appeal; and upon his giving such security, the further proceeding for such penalty shall be suspended until such appeal shall be heard and determined. *Same Stat.*

Time wherein Actions must be commenced for Offences against this Act.

If any Action or Suit shall be commenced against any Person for any thing done in pursuance of this Act; in every such case, such action shall be commenced within three Calendar months after the fact committed, and not afterwards: and the same shall be brought within the County where the fact was committed, and not elsewhere; and the defendant in every such action shall plead the general issue, and give the Act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance of this Act: And if the same shall appear to have been so done, or if any such action shall be brought after the time limited for bringing the same, or be brought in any other place than as aforementioned

tioned, then the Jury shall find for the defendant; or if the plaintiff become nonsuit, or discontinue his action, after the defendant shall have appeared; or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall recover treble costs, and have the like remedy for recovery thereof, as any defendant hath in other cases by law. *Same Stat.*

Old Surveyors are to pass their Accounts, &c.

The Surveyors appointed under the authority of Act 7 Geo. III. shall produce such books and lists, and pass their accounts, before the Justices, at their Special Sessions, to be holden within their limits, in the week next after the *Michaelmas* Quarter Sessions, in the year 1773, and pay the balances thereof, in such manner as they ought to have done at the Special Sessions, which was, by the said Act, to have been held on the first Monday in October, or within fifteen days after; and if the Justices shall henceforth appoint any Surveyor under the authority of the said Act, such appointment shall be void, and of no effect. *Same Stat.*

This Act not to extend to Bristol, Whitechapel, and no Restriction on the Commissioners of Sewers.

Nothing contained in this Act, touching the making and returning lists of persons qualified to be Surveyors of the Highways, and the appointment of such Surveyors, nor the repeal of part of Act 3 Gul. & Maria relating to such Surveyors, shall extend to the city of Bristol, the Parish of St. Mary Matfelon, otherwise Whitechapel, and St. John of Wapping, in the county of Middlesex, nor alter, restrain, or abridge, the powers given to the Commissioners of Sewers, by any Act whatsoever, or vary any of the provisions or regulations thereby made or provided. *Same Stat.*

Time when the Act commenced.

This Act shall commence and take place, with respect to the assembling of the Householders and others, and the making

making and delivering of lifts of persons qualified to serve the office of Surveyor, and the giving notices to the persons contained in such lifts, upon September 21, 1773; and with respect to all other matters contained, on October 11, 1773; after which day, Stat. 7 Geo. III. intituled, "An Act to explain, amend, and reduce into one Act of Parliament, the several statutes now in being for the amendment and preservation of the Public Highways of this kingdom, and for other purposes therein mentioned (except so much thereof as repeals the several Acts and parts of Acts therein mentioned, which are not revived by Act 8 Geo. III. intituled, An Act to explain, amend, and render more effectual an Act passed in the seventh year of his present Majesty's reign, intituled, An Act to explain, amend, and reduce into one Act of Parliament, the several statutes now in being for the amendment and preservation of the Public Highways, of this kingdom, and for other purposes therein mentioned)," shall be, and is, by the present Act repealed. *Same Stat.*

In what Case the Surveyors of the Highways are to attend the Justices Summons, to meet the Clerks and Surveyors of Turnpike Roads.

Where there are two or more Turnpike Roads, under several Acts in the same Parish, Township, or Place, and the Statute-duty directed by such Acts, to be taken or applied for the repair of such Turnpike Roads, shall exceed three days duty in the whole; then it shall be lawful for two or more Justices of the limit, and they are required, at some Special Sessions, to proportion the Statute-duty betwixt such Turnpike-Roads and the other Highways in such Parish, Township, or Place, in such manner as they shall think fit, having regard to the condition of the several Roads and Highways, and also to the tolls and revenues arising from such Turnpike Roads, the Justices previously summoning the Clerks and Surveyors of such Turnpike Roads, and likewise the Surveyors of the Highways, for such Parish, Township, or Place, who are required to attend the Justices on such Summons. *Same Stat.*

F I N I S.

THE PARISH OFFICERS OF THE HIGHWAYS

making and delivering of bills of parcels pursuant to the
the office of Surveyor, and the other notices to the
tions contained in such bills, upon September 21, 1773,
and with respect to all other matters contained in the
Act of 1773, which day, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
October, 1773, the Act to explain, amend, and re-
vise the Act of Parliament, the several Statutes now in being
for the amendment and preservation of the Public High-
ways of this Kingdom, and for other purposes therein
mentioned (except to much thereof as respects the re-
vise of the Statute of 1773 therein mentioned, which
is not revised by the Act of 1773, mentioned, and is
to explain, amend, and render more effectual an Act
passed in the seventh year of his present Majesty's
reign, intitled, An Act to explain, amend, and re-
duce into one Act of Parliament, the several Statutes
now in being for the amendment and preservation of
the Public Highways of this Kingdom, and for other
purposes therein mentioned), shall be, and is, by the
present Act repealed. Same Stat.

In such Case the Surveyor of the Highways are to attend the
Justice Summons, to meet the Clerk and Surveyor of Turn-
pike Roads.

Where there are two or more Turnpike Roads, under
several Acts in the same Parish, Township, or Place, and
the Statute-duty directed by such Acts, to be taken or
applied for the repair of such Turnpike Roads, shall ex-
ceed three days duty in the whole; then it shall be lawful
for two or more Justices of the Peace, and they are required,
at some Special Sessions, to proportion the Statute-duty
betwixt such Turnpike Roads and the other Highways
in such Parish, Township, or Place, in such manner as
they shall think fit, having regard to the condition of the
several Roads and Highways, and also to the tolls and re-
venues arising from such Turnpike Roads, the Justices
previously summoning the Clerk and Surveyor of such
Turnpike Roads, and likewise the Surveyors of the High-
ways, for such Parish, Township, or Place, who are re-
quired to attend the Justices on such Summons. Same Stat.

T. I. N. I. 2.

